

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

RECEIVED
MAR 12 2008
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal No. 3:07-cr-634
	)	
v.	)	
	)	
ANDRELL THOMAS SANDERS	)	<u>SUPERSEDING</u>
aka Q,	)	<u>INDICTMENT</u>
CHRISTOPHER JAMES MCGEE, and	)	T. 21 U.S.C. § 841(a)(1)
JULIUS RYAN SHARKEY,	)	T. 21 U.S.C. § 841(b)(1)(A)
	)	T. 18 U.S.C. § 2
Defendants.	)	

THE GRAND JURY CHARGES:

COUNT I
(Conspiracy to Distribute Drugs)

From a date unknown to the Grand Jury, but beginning by on or about October 23, 2006, and continuing to on or about February 7, 2008, in and about Johnson County in the Southern District of Iowa, and elsewhere, the defendants, ANDRELL THOMAS SANDERS, aka Q, CHRISTOPHER JAMES MCGEE, and JULIUS RYAN SHARKEY, did knowingly and intentionally conspire with each other and other persons known and unknown to the Grand Jury to knowingly distribute at least 50 grams of a mixture and substance containing cocaine base, a.k.a. "crack" cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

This is a violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 846 and 841(b)(1)(A).

COUNT 2
(Possession with Intent to Distribute)

On or about July 7, 2007, in and about Johnson County in the Southern District of Iowa, the defendants, ANDRELL THOMAS SANDERS, aka Q, and CHRISTOPHER JAMES MCGEE, did knowingly and intentionally possess with intent to distribute at least 50 grams of a mixture and substance containing cocaine base, a.k.a. "crack" cocaine, a Schedule II controlled substance.

This is a violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 3
(Possession with Intent to Distribute)

On or about February 7, 2008, in and about Johnson County in the Southern District of Iowa, the defendant, JULIUS RYAN SHARKEY, did knowingly and intentionally possess with intent to distribute at least 50 grams of a mixture and substance containing cocaine base, a.k.a. "crack" cocaine, a Schedule II controlled substance.

This is a violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

A TRUE BILL.



FOREPERSON

Matthew G. Whitaker
United States Attorney

By:  _____
Melisa Zaehring
Special Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal No. 3:07-cr-634
	)	
v.	)	
	)	ENHANCEMENT INFORMATION
CHRISTOPHER JAMES MCGEE,	)	AND NOTICE OF PRIOR
	)	CONVICTION(S)
Defendant.	)	

COMES NOW the United States of America, by and through the undersigned Special Assistant United States Attorney, pursuant to Title 21, United States Code, Section 851(a)(1), and hereby notifies defendant, CHRISTOPHER JAMES MCGEE, that he is subject to an increased penalty pursuant to Title 21, United States Code, Sections 846 and 841(b)(1)(A), because of one or more prior felony drug convictions, to wit:

1. On or about April 12, 2002, Defendant was sentenced for a drug felony in the Circuit Court of Cook County, Illinois, in case number 02CR692801, Manufacture/Deliver 01-15 grams of cocaine. Defendant was sentenced to 5 years imprisonment.

2. On or about July 17, 2001, Defendant was sentenced for a drug felony in the Circuit Court of Cook County, Illinois, in case number 00CR28608, Delivery of a Controlled Substance. Defendant was sentenced to 24 months probation.

Respectfully Submitted,

Matthew G. Whitaker
United States Attorney

By /s/ Melisa Zaehringer
Melisa Zaehringer
Special Assistant United States Attorney
United States Courthouse, Ste 310
131 E. 4th Street
Davenport, Iowa 52801
Tel: (563) 449-5432
Fax: (563) 449-5433
Email: Melisa.Zaehringer@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon all counsel of record and *pro se* parties by electronic service by filing this document with the Clerk of Court using the ECF system on June 1, 2009, which will send notification to the following:

James Clements

/s/ Melisa Zaehringer
United States Attorney's Office
Southern District of Iowa

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER JAMES McGEE,

Defendant.

No. 3:07-cr-0634-02-JAJ

VERDICT FORM

COUNT 1 - Conspiracy to Distribute Crack Cocaine

With regard to the crime of Conspiracy to Distribute Crack Cocaine, as charged in Count 1 of the Indictment, we, the jury, find the defendant, Christopher James McGee:

 NOT GUILTY

✓ GUILTY

NOTE: If you found the defendant Christopher James McGee "guilty" of the conspiracy crime charged in the Indictment, you *must* answer the following interrogatory.

Interrogatory #1: We, the jury, find beyond a reasonable doubt, that the amount of crack cocaine the defendant is responsible for is:

✓ Fifty (50) grams or more of crack cocaine;

 Five (5) grams or more, but less than fifty (50) grams of crack cocaine; or

 Less than five (5) grams of crack cocaine.

COUNT 2 - Possession of Crack Cocaine with Intent to Distribute

With regard to the crime of Possession of Crack Cocaine with Intent to Distribute on July 7, 2007, as charged in Count 2 of the Indictment, we, the jury, find the defendant, Christopher James McGee:

☐ NOT GUILTY

☒ GUILTY

NOTE: If you found the defendant "guilty" of the crime charged in Count 2 of the Indictment, you *must* answer the following interrogatory.

Interrogatory #1: We, the jury, find beyond a reasonable doubt, that the amount of crack cocaine that the defendant possessed with intent to distribute was:

☐ 50 grams or more

☐ 5 grams or more, but less than 50 grams

☒ Less than 5 grams

We, the jury, unanimously agree to all of the verdicts above.

Date: June 2, 2009

UNITED STATES DISTRICT COURT

SOUTHERN

District of

IOWA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Christopher James McGee

Case Number: 3:07-cr-00634-002

USM Number: 22709-424

James Bryson Clements

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) Counts One and Two of the Superseding Indictment
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 846, 841(b)(1)(A), 851	Conspiracy to Distribute at Least 50 Grams of Cocaine Base	02/07/2008	One
21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 851	Possession with Intent to Distribute Less Than Five Grams of Cocaine Base	07/07/2007	Two

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 5, 2009

Date of Imposition of Judgment

John A. Jarvey
Signature of Judge

John A. Jarvey, U.S. District Court Judge

Name and Title of Judge

November 5, 2009

Date

DEFENDANT: MCGEE, Christopher James
CASE NUMBER: 3:07-cr-00634-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Life imprisonment on Count One and 262 months on Count Two, both counts to be served concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant be incarcerated at the Federal Correctional Institute in Oxford, Wisconsin, if consistent with his security classification and that the defendant be made eligible for the 500 hour drug treatment program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MCGEE, Christopher James
CASE NUMBER: 3:07-cr-00634-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
Ten years on Count One and Two, both counts to be served concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MCGEE, Christopher James
CASE NUMBER: 3:07-cr-00634-002

Judgment—Page 4 of 6

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall not patronize business establishments where more than fifty percent of the revenue is derived from the sale of alcoholic beverages.

The defendant shall submit to a substance abuse evaluation. If treatment is recommended, the defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment and random urinalysis testing, as directed by the Probation Officer. Participation may also include compliance with a medication regimen. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment. The defendant shall not use alcohol or other intoxicants during and after the course of treatment.

The defendant shall submit to a search of his person, residence, adjacent structures, office or vehicle, conducted by a U. S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the residence or vehicle may be subject to searches pursuant to this condition. This condition may be invoked with or without the assistance of law enforcement, including the U. S. Marshals Service.

DEFENDANT: MCGEE, Christopher James
CASE NUMBER: 3:07-cr-00634-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

- ☐ Restitution amount ordered pursuant to plea _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for ☐ fine ☐ restitution.
- ☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MCGEE, Christopher James
CASE NUMBER: 3:07-cr-00634-002

Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties

- A** ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
- All criminal monetary penalty payments are to be made to the Clerk's Office, U. S. District Court, P. O. Box 9344, Des Moines, IA 50306-9344.
- While on supervised release, you shall cooperate with the Probation Officer in developing a monthly payment plan consistent with a schedule of allowable expenses provided by the Probation Office.

Nothing in this judgment shall be construed as a limitation on the authority of the United States to apply to the Court for a writ of garnishment subject to the approval of the Court in accordance with the Federal Debt Collection Procedure Act, 28 U.S.C. §§3301, et seq., or applicable State law, during the time period that the defendant is incarcerated or under supervision pursuant to this judgment. (See 18 U.S.C. §3664(m)).

Nothing in this judgment shall be construed as a limitation or restriction on the authority of the Bureau of Prisons to require additional payments as a condition for an assignment or for participation in any program.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF IOWA
3 DAVENPORT DIVISION

4 UNITED STATES OF AMERICA,)
5 Plaintiff,)
6) Criminal No. 3:07-CR 634
7) TRANSCRIPT OF HEARING
8 CHRISTOPHER JAMES MCGEE,)
9 Defendant.)

10

11

12 The above-entitled matter came on for hearing on
13 Thursday, November 5, 2009, at 11:14 a.m., at the Davenport
14 Federal Building, 131 East Fourth Street, Davenport, Iowa,
before the Honorable John A. Jarvey, District Judge of the
United States District Court, Southern District of Iowa.

15

16 APPEARANCES:

17 MELISA ZAEHRINGER, Assistant United States Attorney, U.S.
Attorney's Office, Southern District of Iowa, Davenport
18 Federal Building, Third Floor, 131 East Fourth Street,
Davenport, Iowa 52801, appearing for the United States of
19 America.

20

21 JAMES BRYSON CLEMENTS, Attorney at Law, 1503 Brady Street,
Davenport, Iowa 52803, appearing on behalf of the Defendant.

22

23 **Heidi Krafka, CSR, RMR**
24 **Weston Reporting**
 P.O. Box 393
25 **Bettendorf, Iowa 52722**
 (563) 355-8400

P R O C E E D I N G S

1
2 THE COURT: Please be seated. We're here in
3 the matter of United States of America versus Christopher
4 James McGee. It's Criminal Case 3-07-CR-634. Mr. McGee was
5 before the Court in October for sentencing on Counts 1 and 2
6 of the March 12th, 2008, indictment. He received a life
7 sentence on Count 1 because of two prior felony drug crimes
8 and a finding by the jury that more than 50 grams of crack
9 cocaine was involved in this conspiracy. Perhaps confusing it
10 with a guideline sentence of life, the Court imposed the
11 statutory maximum on Count 2, which is 360 months, but it
12 wasn't a guideline of life. It was a mandatory minimum of
13 life. Therefore, the guideline calculation which the Court
14 believed was moot by reason of his life sentence is not moot
15 with respect to Count 2, and so the case -- the Court set the
16 matter for resentencing on Count 2 for today. He is present
17 and represented by James Clements. The Government is
18 represented by Melissa Zaehringer. As I understand it, to
19 determine the advisory sentencing range, there are factual
20 disputes about the drug weight attributable to the defendant,
21 as well as the defendant contests convictions in paragraph 69
22 and 73 of the Presentence Report. Yes. The conviction at 69
23 was a juvenile conviction for which no points were awarded as
24 criminal history points. Are those the disputes that need to
25 be resolved here today factually, Mr. Clements?

1 MR. CLEMENTS: If I can have just a moment.
2 Actually, my client is claiming that both paragraph 69 and 70,
3 that those cases are not his.

4 THE COURT: 70 though was omitted from the
5 final version of the Presentence Report.

6 MR. CLEMENTS: And then the other two would be
7 73 -- yeah, 73.

8 THE COURT: Very well. On the issue of drug
9 weight, did you intend to present evidence?

10 MS. ZAEHRINGER: No, Your Honor.

11 THE COURT: Additional evidence, anyway.

12 MS. ZAEHRINGER: No, Your Honor, we would just
13 base it on the trial that Your Honor heard and all the
14 evidence that was presented during the trial. I'd have
15 nothing additional as to that.

16 THE COURT: Will you be presenting evidence on
17 the conviction in paragraph 73?

18 MS. ZAEHRINGER: Yes, Your Honor.

19 THE COURT: Call your witnesses.

20 MS. ZAEHRINGER: I call Mary DeVine.

21 THE COURT: Please come forward, ma'am.

22 MARY DeVINE,
23 was called as a witness and, having first been duly sworn to
24 testify the truth, the whole truth, and nothing but the truth,
25 was examined and testified as follows:

1 THE CLERK: Please be seated.

2 DIRECT EXAMINATION

3 BY MS. ZAEHRINGER:

4 Q. Can you state your name for the record and spell your
5 last name.

6 A. Mary DeVine, D-E capital V-I-N-E.

7 Q. Where are you employed?

8 A. Rock Island City Police Department.

9 Q. How long have you been employed there?

10 A. 24 years.

11 Q. And what's your official title?

12 A. I am the criminalist for the police department.

13 Q. And what jobs do you do?

14 A. My primary function is as a crime scene investigator
15 and a latent fingerprint examiner.

16 Q. Can you tell me about your fingerprinting background,
17 any education you've had, any training.

18 A. Yes. I've gone to the basic FBI school, 40-hour
19 school, as well as the advanced 40-hour FBI school. I've
20 taken various classes through the State of Illinois as well as
21 through forensic science groups.

22 Q. How many fingerprints have you analyzed in your
23 career?

24 A. I'm going to say thousands.

25 Q. Do you belong to any professional organizations?

1 A. Yes, I belong to two, the International Association For
2 Identification as well as the Illinois Division of the IAI.
3 On the Illinois Division I'm a very active member. I have
4 served as past president. I serve on the training committee,
5 I put conferences together, I've spoken at conferences, and
6 I've also been the editor of the newsletter.

7 Q. And you've testified in the past in various courts?

8 A. Yes, I've testified in federal court several times,
9 both in Scott County as well as in Rock Island County, Webster
10 County, in Peoria Tazewell County, and of course the county of
11 Rock Island.

12 Q. Just generally can you tell us what a latent print is
13 and what an ink print is?

14 A. A latent print, very, very basic terms is the
15 impression of the ridges on your fingers and your palms left
16 behind on an object, and that can be recovered in various
17 forms by using chemicals or powder or even just photography
18 depending on what the latent looks like. An ink impression
19 is, again, very simple, the fingerprint card. It is a known
20 impression of the subject, whether it's a victim or the
21 arrested party.

22 Q. In this particular case you were contacted by Katie
23 Tady from the probation office; is that correct?

24 A. Yes.

25 MR. ZAEHRINGER: May I approach the witness?

1 THE COURT: You may. You don't have to ask for
2 permission.

3 BY MS. ZAEHRINGER:

4 Q. Showing you what's been marked as Government's
5 Exhibits 1, 2, and 3, do you recognize those?

6 A. Yes.

7 Q. What do you recognize Exhibit 1 to be?

8 A. Exhibit 1 is my report regarding the findings of the
9 comparisons that I did.

10 Q. Exhibit 2?

11 A. Exhibit 2 is an ink impression of a person named
12 Christopher McGee.

13 Q. And is that the fingerprints that you examined?

14 A. Yes. In fact, I initialed and dated and my police
15 number is on the finger that I chose to compare, which
16 happened to be the right thumb.

17 Q. And Government's Exhibit 3, what is that?

18 A. It is an ink impression of a Christopher James McGee
19 and, again, my initials, my police number, and the date in
20 which I used it to compare to Government Exhibit No. 2.

21 MS. ZAEHRINGER: Move to admit Government's
22 Exhibits 1 through 3.

23 THE COURT: They're received.

24 MR. CLEMENTS: Thank you, Your Honor.

25 BY MS. ZAEHRINGER:

1 Q. You were given this paperwork, Exhibits 2 and 3, from
2 Katie Tady; is that correct?

3 A. Well, actually, I think her partner brought them
4 over, and I believe that was Laura Nebel.

5 Q. And you reviewed you indicated the right thumb of
6 both of these exhibits?

7 A. Yes.

8 Q. And why did you choose those print over any of the
9 other fingers?

10 A. It really doesn't matter which finger you choose to
11 compare. I just happened to choose right the right thumb.

12 Q. And what was your opinion in viewing Government's
13 Exhibits 2 and 3?

14 A. They were made by one and the same person.

15 Q. You indicated that you put your initials, your ID
16 number, and the date that you viewed these and made that
17 analysis?

18 A. Yes.

19 Q. And that was 9-22 of '09?

20 A. Correct.

21 Q. And that's recorded in a paragraph in Government's
22 Exhibit 1; is that correct?

23 A. Yes.

24 MS. ZAEHRINGER: I have no further questions.

25 THE COURT: Mr. Clements?

1 MR. CLEMENTS: Thank you.

2 CROSS-EXAMINATION

3 BY MR. CLEMENTS:

4 Q. You've testified about comparing these fingerprints
5 that were delivered to you, but you have no knowledge of how
6 these fingerprints were first taken; correct?

7 A. That's correct.

8 MR. CLEMENTS: I don't have any other
9 questions.

10 MS. ZAEHRINGER: No further questions.

11 THE COURT: Thank you, ma'am. You're excused.

12 MS. ZAEHRINGER: United States called Terry
13 Bumann.

14 TERRY BUMANN,
15 was called as a witness and, having first been duly sworn to
16 testify the truth, the whole truth, and nothing but the truth,
17 was examined and testified as follows:

18 THE CLERK: Please be seated.

19 DIRECT EXAMINATION

20 BY MS. ZAEHRINGER:

21 Q. State your name for the record and spell your last
22 name.

23 A. Deputy Terry Bumann, last name spelling B-U-M-A-N-N.

24 Q. Where are you employed?

25 A. I'm employed with the U.S. Marshal Service in

1 Davenport, Iowa.

2 Q. How long have you been employed there?

3 A. I've been with the Marshal Service for five years.

4 I've been in Davenport for two years.

5 Q. As part of your duties do you fingerprint inmates

6 once they are booked into the Marshal Service?

7 A. Yes, that is part of our processing.

8 Q. Showing you Government's Exhibit 3, do you recognize

9 that?

10 A. Yes, I do. That is a printout from our JABS machine,

11 Joint Automated Booking System machine, when we take

12 fingerprints.

13 Q. And who took those fingerprints?

14 A. I took these fingerprints.

15 Q. And the individual that you took those fingerprints

16 from, do you see him in the courtroom here today?

17 A. Yes, I do. He's sitting next to his attorney wearing

18 orange.

19 MS. ZAEHRINGER: Let the record reflect he

20 identified the defendant.

21 BY MS. ZAEHRINGER:

22 Q. Once you entered those fingerprints into what you

23 called JABS --

24 A. JABS.

25 Q. What happens then?

1 A. When we send them off into JABS, it is similar to a
2 live scan for fingerprinting. It goes directly into IAFIS,
3 and we usually get a return within an hour or so. A positive
4 identification is cross-matched within the AIFIS system, and
5 if they've had a previous arrest, those fingerprints will
6 match up in there. In there they've already been issued an
7 FBI number. It will print out an FBI number for us.

8 Q. And did that happen in this particular case?

9 A. Yes, it did.

10 Q. Looking at Government's Exhibit 6, is this the
11 printout that you get from that system?

12 A. Yes, ma'am.

13 Q. And in putting the fingerprints, you get the FBI
14 number and all related arrests and/or convictions?

15 A. It gives the arrests, the convictions, aliases,
16 Social Security number, physical identifiers, fingerprint
17 code. Any arrest that's been made gets put into the system,
18 and it'll link up with that FBI number.

19 MS. ZAEHRINGER: Move to admit Government's
20 Exhibit 6.

21 MR. CLEMENTS: No objection.

22 THE COURT: 6 is received.

23 MS. ZAEHRINGER: No further questions.

24 THE COURT: Mr. Clements?

25

1 CROSS-EXAMINATION

2 BY MR. CLEMENTS:

3 Q. The testimony you've given is concerning fingerprints
4 that were done when he was taken into the Marshal Service
5 custody; correct?

6 A. Correct.

7 Q. And you have no information directly regarding any
8 fingerprints that may have been taken in the year 2000 in Cook
9 County?

10 A. No.

11 MR. CLEMENTS: No other questions.

12 MS. ZAEHRINGER: Nothing further.

13 THE COURT: Thank you, sir.

14 MS. ZAEHRINGER: United States called Katie
15 Tady.

16 KATIE TADY,

17 was called as a witness and, having first been duly sworn to
18 testify the truth, the whole truth, and nothing but the truth,
19 was examined and testified as follows:

20 THE CLERK: Please be seated.

21 DIRECT EXAMINATION

22 BY MS. ZAEHRINGER:

23 Q. State your name for the record and spell your last
24 name.

25 A. Katie Tady, T-A-D-Y.

1 Q. Where are you employed?

2 A. United States Probation.

3 Q. How long have you been employed there?

4 A. Since February 2008.

5 Q. And what do you do for Probation?

6 A. I'm a presentence officer.

7 Q. Did you write the report on Christopher James McGee?

8 A. Yes.

9 Q. In doing so, the defense attorney objected to a
10 conviction; is that correct?

11 A. Correct.

12 Q. And how did you -- Did you secure fingerprints in
13 reference to the conviction in paragraph 73?

14 A. Yes. I contacted the Chicago Police Department and
15 provided them with the defendant's name, date of birth, and
16 indicated what fingerprints I needed, the date of arrest.

17 Q. And how did you obtain these from Chicago?

18 A. I contacted the supervisor in their fingerprint
19 division, and then he faxed them to me.

20 Q. In looking at this Government's Exhibit 2, are these
21 the fingerprints that were FAXed over to you?

22 A. Yes.

23 Q. Looking at the last page, is that the FAX cover sheet
24 that was on the top of these reports?

25 A. Correct.

1 Q. Did you obtain fingerprints contained in Government's
2 Exhibit 3 from the U.S. Marshals in regards to paragraph 73?

3 A. Our clerk has access to that system, and she printed
4 them out for me.

5 Q. What did you do with these two documents, the
6 fingerprint cards?

7 A. Due to being out of town, I had another officer,
8 Laura Nebel, take them over to Mary DeVine at the Rock Island
9 Police Department and had her analyze them.

10 Q. Did your office then pick up these documents after
11 Mary DeVine had reviewed them?

12 A. She stayed while she reviewed them, she was there.

13 Q. Also in reference to paragraph 73, did you get any
14 other documents?

15 A. Yes, I have the -- I had the clerk of court print out
16 their docket printout and then the police report as well.

17 Q. And Government's Exhibit 4 is what?

18 A. That is the clerk of court docket printout.

19 Q. And Exhibit 5?

20 A. Is the police report.

21 Q. In reviewing the -- I'm sorry.

22 MS. ZAEHRINGER: Move to admit Government's
23 Exhibit 4 and 5. Do you have any objection to 4 and 5?

24 MR. CLEMENTS: I have no objection to 4 and 5.

25 THE COURT: 4 and 5 are received.

1 BY MS. ZAEHRINGER:

2 Q. In reviewing the arrest report from Chicago in
3 Government's Exhibit 5, did you note the address the defendant
4 gave on that report?

5 A. Yes.

6 Q. And what did you note that address to be?

7 A. I believe it's 1938 South Trumbull Avenue. Yes,
8 1938 South Trumbull Avenue, Chicago, Illinois.

9 Q. In interviewing the defendant did he give you that
10 address?

11 A. Yes.

12 Q. When did he give you that address?

13 A. When I asked him if he was to be released, where
14 would he reside at today.

15 Q. Did probation go to that residence?

16 A. Hold on one second. Yes. A probation officer at the
17 Northern District of Illinois went to that residence on
18 August 17th, 2009.

19 Q. And who was present at that residence?

20 A. The defendant's mother and siblings.

21 MS. ZAEHRINGER: I have no further questions.

22 THE COURT: Mr. Clements?

23 CROSS-EXAMINATION

24 BY MR. CLEMENTS:

25 Q. The records that you received regarding fingerprints

1 purporting to be from this earlier file, those are simply
2 records that you received; you weren't involved in the taking
3 of those fingerprints, were you?

4 A. No.

5 MR. CLEMENTS: No other questions.

6 THE COURT: Thank you.

7 MS. ZAEHRINGER: Your Honor, that's all the
8 evidence I have as far as the criminal history points. I do
9 want the Court also to be informed the defendant objects to
10 paragraph 79, which is related to the conviction in 73. The
11 defendant indicates that he didn't come to Iowa until
12 January of 2007. However, per the testimony during the trial,
13 the defendant was here in the summer of 2006. As the Court
14 may remember, on November 8th, 2006, Mr. Sanders was
15 confronted by the police, and at that time he made a phone
16 call to this defendant and wanted to buy an ounce of crack
17 cocaine, and there was an audiotape that was played. The
18 defendant did not obtain the ounce to bring to Mr. Sanders.
19 However, there was that conversation on the phone, and at that
20 time that also documents that the defendant was here -- or in
21 Iowa City.

22 THE COURT: Mr. Clements, do you have evidence
23 you wish to present?

24 MR. CLEMENTS: Yes, the defendant wishes to
25 take the stand, Your Honor.

1 THE COURT: Come forward, sir.

2 CHRISTOPHER MCGEE,

3 was called as a witness and, having first been duly sworn to
4 testify the truth, the whole truth, and nothing but the truth,
5 was examined and testified as follows:

6 THE CLERK: Please be seated.

7 THE COURT: Go ahead.

8 MR. CLEMENTS: Thank you. Your Honor, I have a
9 question first. At this point do you want me to confine my
10 questions to the criminal history?

11 THE COURT: Any matter for which you wish to
12 present evidence today.

13 MR. CLEMENTS: Then in that case I would
14 suggest just for clarity that I'm going to be asking questions
15 going from my sentencing memorandum, which is Document 141.
16 If I follow that, that would allow the Government and the
17 Court to track where we're at and where we're headed.

18 THE COURT: Thank you.

19 DIRECT EXAMINATION

20 BY MR. CLEMENTS:

21 Q. Mr. McGee, I want to bring your attention to several
22 things in the Presentence Report that you've objected to. And
23 the first thing that I'm going to refer to is on page 3 --
24 actually at the top it says page 4 of 50, but it's the
25 identifying data page, and it has a picture of you at the top

1 of that page. You've objected to the use of three aliases.
2 The Presentence Report claims that you've used the alias
3 Andrell T. Bates. Have you ever used that name in any
4 context?

5 A. Never.

6 Q. There's also a claim that you used the name
7 Chrustopher, spelled with a U, Chrustopher J. Pollnitz. Have
8 you ever used that name?

9 A. No, sir. I have told people -- I've told police
10 officers my name is Christopher James Pollnitz, and that was
11 during the time I was in school under that name. Never
12 Chrustopher.

13 Q. And where does the Pollnitz come from?

14 A. My father.

15 Q. And they also claim that you've used the alias James
16 Taylor. Have you ever used that alias?

17 A. No, sir.

18 Q. There's also a claim that you've used a different
19 Social Security number than the one given to you by the
20 Government. The number that they claim that you've also used
21 is 340-74-1303. Have you ever used that number in any
22 employment or anything else?

23 A. No, sir.

24 Q. Moving on to -- this is referencing both paragraphs 8
25 and 21, and this has to do with the residence at which you

1 were arrested, and in paragraph 8 and paragraph -- starting in
2 paragraph 21, the Presentence Report indicates that this place
3 that you were arrested was your residence. Were you residing
4 there?

5 A. No, sir.

6 Q. What were you doing there the day that you got
7 arrested there?

8 A. I was visiting.

9 Q. Did you pay the rent or lease on that apartment?

10 A. No, sir.

11 Q. Did you have it -- Were any of the utility bills in
12 your name?

13 A. No, sir.

14 Q. Did you ever give that address as a place of
15 residence claiming to anyone that you did reside there?

16 A. No, sir.

17 Q. Beginning in paragraph 8 through paragraph 20 of the
18 Presentence Report, it -- the Presentence Report details a lot
19 of activities regarding your codefendant, Mr. Sanders, and
20 you've objected to those drug amounts being included in your
21 Presentence Report. The report is not claiming that you were
22 present during those incidents, but that you were in a
23 conspiracy with Mr. Sanders and, therefore, these are relevant
24 drug amounts. Were you involved in Mr. Sanders' drug
25 activities?

1 A. No, sir.

2 Q. Did you supply him with the drugs that are listed
3 here in these paragraphs?

4 A. No, sir.

5 Q. You've also objected to the inclusion of marijuana
6 specifically. You've objected to all of these amounts
7 regarding Mr. Sanders, but there was also a -- in paragraph 14
8 and 15, I believe, also 18 and 19, there were amounts of
9 marijuana that were attributed to you, and you had objected to
10 the inclusion of any marijuana. Can you explain to the Court
11 why you don't think -- beyond the fact that these weren't your
12 drugs, but why you don't think that you should be held
13 accountable for any marijuana in this case at all?

14 A. Because I wasn't charged for marijuana.

15 Q. And what were you charged with?

16 A. I was charged with cocaine.

17 Q. And your indictment did not include any reference to
18 marijuana?

19 A. No, sir.

20 Q. Turning to paragraph 22, there's a reference to
21 something that was discussed at trial, and this was when law
22 enforcement saw someone go behind one side of this apartment
23 building and that they claim that they saw you go beside the
24 other side of that apartment building. They've characterized
25 this that you were meeting someone behind that building for a

1 drug deal. Were you, in fact, meeting with anyone?

2 A. No, sir.

3 Q. Did you have anything to do with the other person
4 that had walked on the other side, the other corner of the
5 building?

6 A. No, I didn't.

7 Q. Did you deliver any drugs to anybody behind that
8 building at that time?

9 A. No, sir.

10 Q. There's also a reference to you and several other
11 individuals going up to a taxi and the officers indicating
12 that they thought it was consistent with a sale of drugs. Did
13 you go up to a taxi, in fact?

14 A. Yes, sir.

15 Q. And who was in the taxi?

16 A. I'm not -- I forgot the guy's name, but it was a guy
17 that I played basketball with, and he was driving the taxi
18 cab, and he was driving his -- and that was his job. He was
19 driving for a taxicab service.

20 Q. And what was your purpose in going up to talk with
21 him?

22 A. I was asking him was he going to be at the gym that
23 night, and the other guys that went with me up to the car was
24 also interested in going to the gym that night.

25 Q. Was there any discussion of drugs?

1 A. No, sir.

2 Q. Did you give this person any drugs?

3 A. No, sir.

4 Q. In paragraph 23 there's a reference to a drug amount
5 that includes cocaine that was located in that residence that
6 night. It includes a total amount of 57.33 grams of cocaine.
7 You've objected to that cocaine amount based upon the jury's
8 verdict in Count 2. Can you explain to the Court why you feel
9 that 57.33 grams should not be included in your Presentence
10 Report?

11 A. Because, first of all, I had no idea that it was in
12 the house, and second of all, the jury found me guilty of
13 3 grams and nothing to do with the 57.33 grams.

14 Q. Paragraph 25 indicates that you were interviewed, and
15 it claims that you were Mirandized before that interview.
16 Were you, in fact, Mirandized by the officers before that
17 interview?

18 A. No, sir.

19 Q. Now, there was a recording that purported to come
20 from that interview that was admitted during trial, and
21 according to the Presentence Report, their characterization of
22 that is that you admitted that, in fact, you were in a drug
23 conspiracy with Mr. Sanders and that you gave some details
24 about that. Was that true?

25 A. No, sir. When I referred to the drugs being mine, I

1 was referring to the 3 grams. I've -- I never said anything
2 about being in any conspiracy with anybody.

3 Q. When you're talking about the 3 grams, you're talking
4 about the grams of cocaine that were found under the mattress?

5 A. Yes, sir.

6 Q. Did you ever travel to Chicago to get cocaine for
7 Mr. Sanders?

8 A. No, sir.

9 Q. Did you go to Chicago to get cocaine for anyone else?

10 A. No, sir.

11 Q. Did you tell them at that point that you were
12 residing at that apartment?

13 A. I told them that stayed there with Shakita Edwards,
14 but I didn't mean it as lived there. I was telling them that
15 that's who I was there visiting. That's what I was referring
16 to. They took it out of context.

17 Q. You've objected to paragraphs 28 and 29 which
18 referred to Miss Edwards' allegations and your testimony at
19 trial. Did she testify truthfully at trial?

20 A. No, sir.

21 Q. Were you involved in a drug conspiracy with her?

22 A. No, sir.

23 Q. Paragraphs 30 through 35 discuss the arrest of
24 Andrell Sanders and Julia Sharkey. The Presentence Report
25 doesn't claim that you were present, but it does include in

1 paragraph 34 50.95 grams of cocaine base that they are
2 attributing to you. Why do you object to that drug amount?

3 A. I object to it, because I had nothing to do with it,
4 didn't know anything about it, and to my knowledge that amount
5 wasn't attributed to me in the PSR report.

6 Q. In a number of paragraphs and at trial Mr. Sanders
7 made allegations against you as being involved in cocaine
8 sales and, in fact, supplying him with cocaine on occasion.
9 Did he testify truthfully?

10 A. No, sir.

11 Q. Paragraph 37 talks about you reconnecting with
12 Mr. Sanders in Iowa in February or March of 2007 and that the
13 two of you began selling cocaine base together at that time.
14 Where were you in February and March of 2007?

15 A. In February I was staying with my mother, and in
16 March I believe I -- in March -- in the end of March I was in
17 Iowa City visiting another friend, and I got arrested on the
18 25th, so yeah, the end of March I was in Iowa City.

19 Q. Were you with Mr. Sanders at the time?

20 A. No, sir.

21 Q. And when you indicate that in February you were
22 residing at your mother's and that that's where you were
23 present, where does she live?

24 A. 1938 South Trumbull in Chicago, Illinois.

25 Q. Were you present in Iowa in February at all?

1 A. No, sir.

2 Q. And how long prior to your arrest at the end of March
3 had you been in Iowa?

4 A. Excuse me? Can you repeat the question?

5 Q. You indicated that near the end of March you were
6 arrested in Iowa, that you were here visiting someone else.
7 How long had you been in Iowa at that time?

8 A. Probably a little over a week.

9 Q. And who were you visiting at that time?

10 A. This girl by the name of -- they called her Kiki, but
11 her real name was Kishandra Criven (phonetic). She stayed in
12 Lakeside Apartments.

13 Q. In paragraph 39 the Presentence Report claims that
14 in -- sometime before August of 2006 that you moved to Iowa
15 with Angelo Scott. Did you move to Iowa at that time?

16 A. No, sir.

17 Q. Had you moved to Iowa at all?

18 A. I've never lived in Iowa, sir.

19 Q. Did you live with Angelo Scott at any point?

20 A. No, sir.

21 Q. In paragraphs 51 and 61 the Presentence Report talks
22 about role assessments, role in the offense, and you've
23 indicated that -- while maintaining your innocence in this
24 case that if the probation office has concluded what it has
25 regarding Mr. Sanders and that his role in the alleged offense

1 was much greater than what they claim yours was, that you
2 should qualify for a reduction; is that correct?

3 A. Yes, sir.

4 Q. Why do you think that you're entitled to a mitigating
5 role adjustment?

6 A. Well, I read in a guideline book as well as a book
7 entitled Busted By the Feds that according to what they
8 claimed I was responsible for, I thought that would qualify
9 for a reduction or something. It was something I read when I
10 made the objection, but I was not involved in any conspiracy,
11 but for the part they said I played, I thought that that
12 qualified me for the part.

13 Q. In paragraph 55 there's also discussion about
14 acceptance of responsibility. You have indicated in your
15 objections that you believe that the jury verdict on the
16 lesser amount in Count 2 should qualify you for a reduction
17 for acceptance of responsibility. Can you explain to the
18 Court why that should be?

19 A. I thought when you admitted to your part as far as
20 what I did, admitted to possession of 3 grams for my personal
21 use, I told the police right away that it was mine and nobody
22 else knew about it, that I bought it, it was mine for just me,
23 I thought since I admitted it, that that was what qualifies
24 you for a 3-point reduction, 2-point reduction, something like
25 that.

1 Q. And this is based upon the jury apparently not
2 believing that the larger amount of cocaine was yours in
3 Count 2?

4 A. Exactly. Exactly.

5 Q. Okay. Moving on to criminal history and let's take a
6 look at paragraph 69, which is this juvenile case on which the
7 fingerprints were admitted into evidence, the Presentence
8 Report indicates that the person was arrested under the name
9 of Andrell Bates. Have you ever been arrested under that
10 name?

11 A. No, sir.

12 Q. And have you ever used that name?

13 A. No, sir.

14 Q. And in reviewing this item in the Presentence Report,
15 did it appear to you that this was you that was arrested?

16 A. Well, seeing as how the person was used the name
17 Andrell Bates, that's what made me say that that couldn't have
18 been me, because I've never told the police at any time that
19 my name was Andrell Bates. That's what I was going off of. I
20 really didn't -- I really don't remember any arrest like that.

21 Q. Okay. In three paragraphs in the criminal history
22 section there are discussions in which it's alleged that you
23 were involved in street gangs, and you've objected to that.
24 Specifically there's an allegation in paragraph 71, which is
25 the first one, claiming that you admitted that you were a

1 member of the Vice Lords. Have you ever belonged to a street
2 gang?

3 A. No, sir.

4 Q. Have you ever formally associated with a street gang?

5 A. Formally associate, you mean been a part of it? No,
6 sir.

7 Q. Do you know friends that are street gang members?

8 A. Yes, sir.

9 Q. Have you ever participated with them in gang
10 activity?

11 A. No, sir.

12 Q. Have you been involved in any other street gang other
13 than the Vice Lords?

14 A. No, sir.

15 Q. You've also indicated that paragraph 73, which is a
16 case out of Cook County, Illinois, in June of 2006, was not
17 you. This is the incident that according to the police report
18 that's cited is this claim that you were arrested after
19 officers observed you shouting rocks at subjects passing by.
20 Was that you?

21 A. To my knowledge it wasn't, sir, because I was still
22 on parole from being released from Illinois River, and my
23 parole officer would have had grounds to violate me, and
24 seeings how I had no violations and I don't remember any
25 arrest like that, I'm pretty sure I would have remembered

1 being arrested for rocks and blows or anything of that nature
2 being on parole, because it would have been some type of
3 penalty taken place, and none was, so I said it wasn't me, and
4 I don't remember anything like that, so that's another reason
5 I said that was a mistake also.

6 THE COURT: The picture looks an awful lot like
7 you. Did you see that?

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay. Go ahead.

10 BY MR. CLEMENTS:

11 Q. You've also indicated that you don't believe that
12 this offense, soliciting unlawful business, should garner a
13 criminal history point. It's allotted one point in the
14 Presentence Report, and, in fact, in your objections you
15 basically said that's the -- an equivalence to a vagrancy; is
16 that correct?

17 A. Yes, but you -- when I talked to you about it, you
18 corrected me and told me it wasn't a vagrancy, so I guess it
19 does qualify for a point, but I read in the book -- that's
20 what my whole objection was, I read in the sentencing
21 guideline that certain cases don't qualify for a point, and I
22 thought that was one of them.

23 Q. Now, this also has the issue about whether or not you
24 were on probation at the time of committing the current
25 offense, and the Government made the point that there was a --

1 you've claimed that you came to Iowa at the end of January of
2 2007, and the Government made the point that there was
3 testimony from Mr. Sanders that he was calling you on his cell
4 phone and this was at a point earlier than January of 2007.

5 Did he call you?

6 A. I believe that call was placed to me, yes, sir.

7 Q. Were you involved with him in any drugs at the time?

8 A. No, sir.

9 Q. When you took this call in 2006, were you in Iowa at
10 that time?

11 A. No, sir.

12 MR. CLEMENTS: I don't have any other questions
13 at this point, Your Honor.

14 THE COURT: Ms. Zaehringer?

15 CROSS-EXAMINATION

16 BY MS. ZAEHRINGER:

17 Q. You indicated that you've never lived in Iowa?

18 A. Yes, ma'am.

19 Q. Where were you living during this time period then?

20 A. What time period is that?

21 Q. During this conspiracy time period that we charged,
22 '06, '07.

23 A. I was living in Chicago, ma'am.

24 Q. But you would come here and spend nights with your
25 girlfriend on occasion?

1 A. Yes, ma'am.

2 Q. Store drugs at your girlfriend's house?

3 A. No, ma'am.

4 Q. Stored 3 grams under the mattress?

5 A. I didn't store it. I hid it. That's storing, I
6 guess.

7 Q. And you had other items in her house as well?

8 A. Change of clothes.

9 Q. You had a sock full of packaging material in her
10 drawer?

11 A. No, ma'am.

12 Q. You never drove to Chicago with Sanders, Angelo
13 Scott, Sara Humphries, Shakita Edwards?

14 A. I've drove to Chicago, yes. They dropped me off at
15 my mother's house before.

16 Q. So you did make trips with them, and then they'd pick
17 you up and go back to Iowa City?

18 A. No, ma'am. It didn't work like that. They took me
19 up there. I believe at the time they brought me up there,
20 that group you just mentioned, when I did go back, me and
21 Shakita caught a bus back.

22 Q. Do you recall during the trial we played an audiotape
23 with you on it during the interview?

24 A. Yes, ma'am.

25 Q. And that was your voice?

1 A. Yes, ma'am.

2 Q. And you told the officers earlier that day that you
3 sold crack twice?

4 A. No, ma'am.

5 Q. You don't remember saying that?

6 A. No, ma'am.

7 Q. You don't remember saying your source was in Chicago
8 and his name was Flats or Fats?

9 A. No, ma'am.

10 Q. You don't remember saying that?

11 A. I spoke about an individual by that time, but I did
12 not say he was my source, I worked for him, sold anything to
13 him, nothing like that.

14 Q. Did you hear it during the trial on the audiotape?

15 A. No, ma'am.

16 Q. Do you know who Angelo Scott is?

17 A. Yes, ma'am.

18 Q. Did you grow up with him?

19 A. No, ma'am.

20 Q. The role assessment that you want, the mitigating
21 role, your claim is that if somebody gets an aggravating role,
22 then the other person should get a mitigating role; is that
23 what your argument is?

24 A. Sort of. My argument was if they placed one person
25 at one part and just basically the other part is left open for

1 the other people to be placed in, would qualify that person
2 for that adjustment or whatever.

3 Q. Did you know that more than one person could be a
4 supervisor or have the aggravating role?

5 A. I'm not familiar with it.

6 Q. And then you claim for the acceptance of
7 responsibility, you claimed 3 grams, and so you should get
8 acceptance?

9 A. I said that that -- the way it -- the 3 grams was not
10 for a conspiracy, but in the way they're trying to involve me
11 in a conspiracy, that's why I was saying that's why I should
12 qualify for the role that I said.

13 Q. But for the acceptance. You didn't admit to the
14 conspiracy when you went to trial on the conspiracy and were
15 found guilty?

16 A. No, ma'am, I didn't.

17 MS. ZAEHRINGER: I have no further questions.

18 MR. CLEMENTS: I have no redirect on this, Your
19 Honor.

20 THE COURT: You may return to the table. Any
21 additional evidence?

22 MR. CLEMENTS: No additional evidence. Just
23 argument, Your Honor.

24 THE COURT: The Government bears the burden of
25 proof on these issues. Let's have her go first.

1 MS. ZAEHRINGER: Your Honor, as to the role,
2 the mitigator role, that the defendants claim, there's no case
3 law that suggests that one person gets an aggravating role and
4 the other person gets a mitigating role. In fact, the case
5 law is opposite where you can have more than one supervisor.
6 Based on the testimony in the trial, it's clear that this
7 defendant does not qualify for a mitigating role. He was
8 traveling to Chicago to get drugs one time every two weeks, he
9 was supplying Lakeside, Broadway, and Emerald Apartments.
10 During his Mirandized statements he told the officer that his
11 source was in Chicago and his name was Flats and that he sells
12 with Sanders. Based on all that evidence, he doesn't warrant
13 the mitigating role.

14 As far as the acceptance or the responsibility,
15 obviously the defendant denied and objected to all of the
16 offense conduct except for the 3 grams. He's not admitting to
17 anything regarding conspiracy, and that's what he was found
18 guilty of. There's no case law out there that indicates that
19 he is warranted the acceptance of responsibility reduction.

20 As to the criminal history points, the defendant
21 claims that it's the same as vagrancy. Looking at sentencing
22 guidelines, 4A1.2(c)(2), it does not -- this conduct in the
23 police report is not the same as vagrancy. Therefore, it
24 should be awarded the one point. Based on the testimony
25 supplied here today from Mary DeVine, the marshal, and the

1 probation officer, it's clear that this defendant is the
2 individual and did commit the crime in paragraph 73. Based on
3 the trial testimony from Mr. Sanders, it's clear that the
4 defendant was here in Iowa City in the summer of 2006, he was
5 on probation during the time he committed this conspiracy.
6 Therefore, it is warranted the two points for the -- in
7 paragraph 79. I think those are all the issues that the
8 defense raised.

9 THE COURT: Thank you. Mr. Clements?

10 MR. CLEMENTS: Thank you, Your Honor. I won't
11 repeat the things that my client has just said on the stand,
12 but I will draw your attention to two items, and one is that
13 based upon the verdict in Count 2, my client certainly feels
14 that the larger amount of drugs that the jury refused to find
15 him in possession of should be backed out of the drug amount.
16 Also, my client has indicated in the sentencing memorandum
17 that he seeks the Court -- he asks the Court to treat the
18 crack amount as if it was powder. Based upon the current
19 moves in congress to change the law and the -- ask the Court
20 to at least grant a variance that the drug amount would be
21 treated as if it were powder cocaine, not crack cocaine.

22 THE COURT: Thank you. I find that the
23 probation office appropriately determined that Mr. McGee
24 starts with a base offense level of 34. Just considering the
25 crack cocaine alone, in order to be a 34, he's got to be

1 within -- between 500 grams and 1.5 kilograms. For the
2 credible testimony of the trial, while still an estimate is a
3 very reasonable and appropriate estimate in this case, he
4 clearly was well over 500 grams just based on the credible
5 testimony of Mr. Sanders. I do attribute the 57.33 grams to
6 the defendant by preponderance of the evidence recognizing
7 that the jury rejected that with a standard of proof beyond a
8 reasonable doubt. I find that the man before the Court,
9 Christopher McGee, is the same man that was convicted of the
10 crime set forth in paragraph 69 and 73. The soliciting
11 unlawful business conviction in paragraph 73 is more akin to
12 distribution of crack cocaine than it is to vagrancy. It was
13 appropriately given a criminal history point. He was on
14 probation for that offense at the time of this offense and
15 appropriately given 2 additional points for that. This
16 defendant was deeply involved in this conspiracy and is not
17 entitled to a mitigating role and certainly in light of the
18 testimony here today and at trial is not entitled to points
19 off for acceptance of responsibility. Accordingly, the
20 probation office appropriately determined under the Sentencing
21 Guidelines that he has an offense level of 34, a criminal
22 history of 4, which would on Count 2 suggest a range of
23 imprisonment between 210 and 262 months. I'd hear first from
24 you, Mr. Clements, and then from Mr. McGee, and then from
25 Ms. Zaehringer as to the sentence to be imposed on that count.

1 MR. CLEMENTS: Thank you, Your Honor. I would
2 argue that the sentence at the bottom of the guideline range
3 is more than adequate in this circumstance. He's already
4 facing a life sentence on Count 1. I would also like to ask
5 the Court that after pronouncing sentence today, if the Court
6 would appoint new counsel for him to pursue his appeal. He
7 has filed at least five or six motions for new counsel during
8 this case. He does not want me handling his appeal, and,
9 again, he wants me to ask the Court to appoint new counsel for
10 his appeal. Thank you, Your Honor.

11 THE COURT: Mr. McGee, is there something you
12 wish to say before sentence is imposed?

13 THE DEFENDANT: Yes, I would. I would just
14 like to address the fact that the Government keeps saying that
15 the phone call that was made proved that I was in Iowa, and
16 those were two cell phones. The call could have been taken
17 anyplace, which I received it in Chicago, and not any drugs
18 were mentioned during the phone call. And I have some other
19 things I would like to mention that I have wrote down. Also I
20 would like to address the fact that I was not on probation
21 during the time that this case took place. It is in the PSI,
22 and it states that the probation was over with well before
23 this started. The probation ended around October 6th, and the
24 alleged conspiracy started October 20 something. I'm not sure
25 what the exact date is, but the probation was no longer going

1 on. I would like to read these letters I wrote.

2 I'm not sure how this federal system works because
3 this is my first time here, but I received a letter not too
4 long ago saying that no judgment has been made in my case, but
5 on October 9th when I got sentenced the first time, I thought
6 that was a judgment in my case. Now it's saying today that we
7 are doing it all over again, so I have a couple of things I
8 would like to address to the Court. I want to put on record
9 that these issues may be mentioned in these letters, but I
10 just write them down as they come to my attention, so if I
11 mention something twice, please forgive me. I was not given
12 the allowed amount of time to go over my PSI with my lawyer.
13 I also would like to address the fact that a lot of rules that
14 have been brought to my attention in the federal guideline
15 book is being ignored.

16 When I first met Mr. James Bryson Clements, he
17 automatically made up in his mind to get my case over with as
18 soon as possible. One of his attempts to do so was to tell me
19 that I was facing two life sentences and that my case was not
20 winnable at trial or by filing any motions. Later on a visit
21 that he had made to me at Knox County, I asked him what
22 evidence does the Government have against me? He told me that
23 he didn't know, which I knew he didn't know, because there was
24 no evidence against me at the time, only against others that
25 the Government was trying to connect to me. Since my lawyer

1 made those statements about me losing without having any
2 evidence to support their comment, I knew he wasn't planning
3 on proving my innocence. Later I asked for various papers
4 concerning my case, and I was denied having copies. I was
5 denied copies of my discovery and Grand Jury statements,
6 police reports, although he made it clear that he had them
7 hisself. After all this behavior on behalf of my lawyer, I
8 was upset, and I was searching for opinions on what to do from
9 other inmates, because I don't have access to federal law
10 books. I was told my constitutional right is to change
11 lawyers if I'm not happy with the performance of my current
12 lawyer, but when I filed a motion for a new counselor, I was
13 denied. That wasn't the only constitutional right that was
14 ignored. The constitutional right which is Amendment 5 that
15 bars two jurisdictions from dealing with the same matter at
16 the same time was also ignored. I tried to bring up this fact
17 that a warrant and a federal indictment was issued for me at
18 the same time I was handling this case in state court. The
19 indictment and the warrant was issued for me December 13th,
20 2007, and the case wasn't dropped until March 20 of 2008. My
21 lawyer would read the motions I gave him and then redo the
22 motions leaving out vital information, so I requested all of
23 my motions to be attached to his motions. I also made
24 complaints about the fact that my lawyer sent me papers,
25 showing his lack of attention shown to my case. Mr. Clements

1 sent me papers saying do not communicate with your Codefendant
2 Spires, but I did not have a codefendant named Spires. I
3 later found out that another one of Mr. Clements' clients has
4 a codefendant named Spires, which means he sent me papers that
5 he should have sent to his other client showing his lack of
6 attention that he gives to my case. My lawyer, Mr. Clements,
7 also disregarded the federal rules and regulations by allowing
8 the prosecutor to give him some enhancement papers that were
9 filed during my trial. And to my knowledge the enhancement
10 papers are supposed to be filed before trial. The first time
11 I got sentenced, Mr. Clements said he would put me on the
12 stand to speak about my objections to my PSI, but he didn't.
13 I have close to 30 objections involving -- or proving that I'm
14 not involved in any conspiracy. The jury somehow found me
15 guilty of at least 50 grams involved in that conspiracy, but
16 in my PSI there was three controlled buys conducted by
17 Mr. Sanders and police informants, not one involving me. The
18 controlled buys added up to 11.6 grams and were added with the
19 57.33 grams that the police found at a female's house that I
20 was visiting on July 7, 2007. How can I be responsible for a
21 controlled buy that has nothing to do with me nor did I have
22 any knowledge of until I read the PSI? Or how can I be
23 responsible for drugs found in someone else's apartment. When
24 I went to trial, the jury believed me when they heard I
25 admitted to 3 grams found in the apartment, but I deny any

1 knowledge of the 57.33 grams, so the jury found me guilty of
2 possessing less than 5 grams of cocaine. If the jury didn't
3 attribute the 57.33 grams to me, how is the PSI report going
4 to attribute the grams to me? The PSI also said my offense
5 level was 34, but in the federal sentencing guideline book, it
6 said when a person is found guilty of at least 50 grams, the
7 offense level should be 30. My lawyer knows this but didn't
8 address the fact at my sentencing on October 9th. If you hold
9 me responsible for the drugs I had anything to do with, you'll
10 only have the 3 grams that I admitted to having for my
11 personal use on July 7th, 2007, and no conspiracy would
12 involve me, which is why I believe the 11.68 grams from
13 Mr. Sanders' controlled buys and the 57.33 grams found in the
14 house is trying to be blamed on me so that a gram amount could
15 exist. Without those bogus amounts mentioned, the drug amount
16 would be 3 grams. However, the PSI report said that because
17 Sanders said him and I sold 2 ounces every two weeks for ten
18 months, 1,126.9 grams were added to the first two bogus
19 amounts. In total the PSI is saying I'm responsible for
20 1,195.7 grams, and that is not possible, because according to
21 the federal guideline book, at least
22 50 maybe, no more than 150, is the range to follow when a
23 person is found guilty of at least 50, 50 grams. Again, if
24 you take away the statement of a person such as Andrell
25 Sanders who was involved in controlled buys and finally on

1 February 7th, 2007, he was picked up after being in another
2 controlled buy and there was -- and there wasn't any denying
3 his involvement in a drug conspiracy since he and his
4 accomplice were caught in the act. Sanders wanted to appear
5 to be cooperating, so he told the police stories that he
6 thought would help him out of trouble. Take away the obvious
7 lies and bogus drug amounts, and Count 1 of my charges
8 wouldn't and shouldn't exist, and I should be only charged
9 with possessing 3 grams of cocaine. I believe that is just a
10 simple possession. I'm not asking for any rules to be broken.
11 In fact, I'm asking the complete opposite, a man that is flat
12 out guilty and is told by his attorney that he would be
13 facing -- that he would be facing life would do whatever, say
14 whatever he could to help himself, lessen his sentence just
15 like Andrell Sanders did. I'm not mad at Mr. Sanders or the
16 officers who lied, not even -- I'm not even mad at the
17 prosecutor. They're all doing what is expected of them to
18 help their situations, but I would like the Court to pay
19 attention to the factual evidence considering everyone's
20 motives and simply follow the rules.

21 My current lawyer is purposely trying to complicate
22 my appeal situation. He is trying to rush and file an appeal
23 on Count 1 of my charges without confirming with me the things
24 I wish to appeal. I've given him my objections to my PSI
25 along with other issues I would like for him to address at

1 sentencing, but at the first sentencing which was
2 October 9th he failed to do either one properly. I'm
3 wondering if his failure to comply with my request is an
4 attempt to allow an outrageous amount of time be issued at my
5 sentencing. Such behavior wouldn't surprise me, because I've
6 done nothing but complain about his ineffective counseling.
7 Ever since the day we met he has been showing me signs that he
8 is either working against me and working with the prosecutor.
9 I heard from another inmate that I'm incarcerated with that
10 when he went to trial, the judge was upset with a few people
11 incarcerated for filing a lawsuit for being detained without
12 federal law books. The judge -- He said the judge had even
13 went as far as saying that he would be issuing the high end
14 allowed at everybody's sentencing date, which is exactly what
15 happened at my first sentencing, October 9th, 2009. Count 1
16 of my charge is a conspiracy to distribute drugs, at least
17 50 grams, and Count 2 is possessing with intent to distribute
18 at least 50 grams. However, on June 2nd, 2009, I was found
19 guilty of Count 1 as charged and Count 2 was broken down to
20 guilty of possessing less than 5 grams of cocaine. The judge
21 instructed the jury on five elements that the Government must
22 prove in order to find me guilty of Count 1, and there is no
23 possible way that it could have been proven. But my lawyers
24 didn't raise the issue of the elements not being proved and
25 allowed the prosecutors to confuse the jury.

1 The judge is trying to justify sentencing me to a
2 life sentence. First I was told the life sentence comes from
3 one prior felony added with a juvenile case the prosecutor
4 wants to enhance. At first I didn't know what to think, but
5 after speaking with people more familiar with the federal
6 rules and regulations, I found out that enhancement papers has
7 to be issued before trial and not during trial. That's when
8 the prosecutor tried to file the enhancement papers in my
9 case. After I raised the issue of the papers being late, my
10 lawyer tried to say I'm facing life because of the PSI --
11 because the PSI says I'm responsible for close to 1,200 grams
12 of cocaine, but those drugs are from controlled buys that I
13 didn't have anything to do with, nor did they involve me. The
14 controlled buy took place on October 23rd, 2006, and resulted
15 in 2.17 grams being recovered.

16 On October 27th, 2006, another controlled buy took
17 place resulting in 4.61 grams recovered, also didn't have
18 anything to do with me. On November 8th the law enforcement
19 officers tried to conduct a third controlled buy that went
20 wrong, but Sanders, the person involved in the conspiracy,
21 told the LEO that he would cooperate and let the police search
22 his house where he stated he has some more cocaine and more
23 money. When the police searched his house, they found
24 4.90 grams of cocaine. I had absolutely nothing to do with
25 any of those incidents, but for some reason the PSI took those

1 amounts and added the 57.33 grams that was found on July 7th
2 in an apartment that I was visiting, and then the police tried
3 to say it belonged to me because I admitted to 3 grams they
4 found for my personal use that belonged to me, but I had no
5 idea that they had found the 57.33 grams in the female's air
6 vent. When the police came, there was six of us in that
7 apartment, and they chose three people including myself to
8 charge with the 57.33 grams. Due to a lack of evidence and
9 the fact that it wasn't mine, a jury found me guilty of only
10 3 grams that I admitted to possessing, so how is it that the
11 PSI took the three controlled buys of Sanders and Sanders
12 alone with the amount -- which amounted to 11.68 grams and
13 added it to 57.33 grams and then took a statement from Sanders
14 after being arrested as being the truth when he said after
15 reaching an agreement to reduce his sentence if he includes me
16 in the conspiracy that he and I sold 2 ounces of cocaine every
17 two weeks. If you add all these incidents that had no
18 connection to me and no factual evidence, you get the PSI --
19 you get the amount that the PSI is claiming I'm responsible
20 for, not to mention the federal guideline rule said that when
21 a person is guilty of at least 50, the drug amount cannot
22 exceed 150 grams, and the offense level was supposed to be at
23 a 30, not 34. Now, isn't the PSI incorrect in having my
24 offense level at 34 and trying to hold me responsible for any
25 drugs, let alone 1,195.70 grams. I need a new lawyer. I need

1 my current lawyer, Mr. James Bryson Clements, not to be
2 allowed to handle any further situations concerning my case.
3 Thank you.

4 THE COURT: Ms. Zaehring?

5 MS. ZAEHRINGER: Your Honor, we are asking for
6 the high end of the guideline range, 262 months with ten years
7 supervised release. We base that on the defendant's extensive
8 criminal history. He has seven drug-related convictions as
9 well as five other contacts with law enforcement officers
10 involving drugs. The defendant has no strong history of
11 employment and also taking into the fact the office conduct
12 that we heard about during the trial. Thank you.

13 THE COURT: Anything else, Mr. Clements?

14 MR. CLEMENTS: Nothing further, Your Honor.

15 THE COURT: In fashioning an appropriate
16 sentence on Count 2, the Court has considered all of the
17 factors found in Title 18, United States Code Section 3553(a).
18 I have considered the nature and circumstances of the offense
19 and the history and characteristics of the defendant. I have
20 considered the seriousness of the offense. This one was
21 serious because of the amount of drugs and the length of time
22 that the conspiracy was going. I've considered the question
23 of just punishment and note that Mr. McGee has for a young man
24 racked up quite a criminal history. He's got an adult life
25 even though he's only 25 years old with quite a number of

1 convictions including multiple convictions for drugs and
2 drug-related activity. The Court has considered the need for
3 adequate deterrence to criminal conduct as well as the need to
4 protect the public from further crimes of this defendant.
5 That's a particularly important factor as it relates to
6 Mr. McGee. I've considered the sentencing options that are
7 available to the Court. I've also considered the kinds of
8 sentences and the advisory sentencing range established by the
9 guidelines. The guidelines are not mandatory, so the Court
10 looks to them as an important, though not in any way
11 controlling, factor to be considered. I have considered also
12 the disparity between crack and powder cocaine as it relates
13 to the guidelines, at the high ends of the guidelines.
14 There's approximately 30 to 1 ratio between crack and powder.
15 Here if you take even half of the disparity weight by ignoring
16 half of the drugs that he's responsible for, you're still at
17 the same base offense level. I've considered his lack of a
18 substantial work history and his complete lack of remorse
19 demonstrated again today in his testimony. I've considered
20 and weighed heavily the need to avoid unwarranted sentencing
21 disparity among defendants with similar records who have been
22 found guilty of similar conduct.

23 I don't make the appointments for counsel on appeal.
24 The Court of Appeals does. I will recommend to them that they
25 appoint a different attorney, not because you received

1 anything less than great advice here, but because it can't be
2 any fun to represent someone who simply won't listen. After
3 considering the factors of 3553(a), I conclude that the
4 guideline sentencing system adequately addresses the
5 circumstances of this defendant and that the sentencing range
6 is reasonable. Based on all the circumstances of this case,
7 the Court concludes that a sentence at the top of the range is
8 sufficient but not greater than necessary to address the
9 essential sentencing considerations. I've already sentenced
10 Mr. McGee on Count 1, and that sentence will remain the same
11 in its entirety.

12 He's hereby sentenced to the custody of the Bureau
13 of Prisons for 262 months on Count 2. That'll run concurrent
14 with the sentence on Count 1. I have already imposed a
15 ten-year term of supervised release for this count. All other
16 terms of supervised release as previously enunciated at the
17 prior sentencing will remain in force and effect including the
18 special assessment, the recommendation for where he's
19 incarcerated and all other terms and conditions.

20 You have the right to take an immediate appeal from
21 this judgment. Any appeal has to be filed within ten days
22 from today. I noticed that you had filed an appeal.
23 Mr. Clements timely filed an appeal. I think it was dismissed
24 because we didn't have a final judgment here, dismissed by the
25 Court of Appeals, so you can file that appeal now, and it'll

1 be timely. Do you have anything else, Mr. Clements?

2 MR. CLEMENTS: No, Your Honor.

3 THE COURT: Ms. Zaehringer?

4 MS. ZAEHRINGER: No, Your Honor.

5 THE COURT: We're in recess. Thank you.

6 (The hearing concluded at 12:28 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

The undersigned, a Certified Shorthand Reporter of the
States of Iowa and Illinois, does hereby certify:

That she acted as court reporter in the cause mentioned
on the title page of this transcript and transcribed the
testimony offered and proceedings had on said hearing.

That the foregoing pages of typewritten matter is a full,
true, and complete transcript had in this cause and that said
transcript contains all of the testimony offered and
proceedings had at the times herein shown.

DATED this _____ day of December, 2009.

Heidi Krafka
Certified Shorthand Reporter
Certified in Iowa and Illinois

- '06 [1] - 29:22
 '07 [1] - 29:22
 '09 [1] - 7:19
 1 [16] - 2:5, 2:7, 6:5, 6:7, 6:8, 6:22, 7:22, 36:4, 41:7, 41:23, 42:15, 42:19, 42:22, 46:14, 47:10, 47:14
 1,126.9 [1] - 40:18
 1,195.7 [1] - 40:20
 1,195.70 [1] - 44:25
 1,200 [1] - 43:11
 1.5 [1] - 35:1
 11.6 [1] - 39:18
 11.68 [2] - 40:12, 44:12
 11:14 [1] - 1:12
 12:28 [1] - 48:6
 12th [1] - 2:6
 131 [2] - 1:13, 1:18
 13th [1] - 38:19
 14 [1] - 19:7
 141 [1] - 16:15
 15 [1] - 19:8
 150 [2] - 40:22, 44:22
 1503 [1] - 1:20
 17th [1] - 14:18
 18 [2] - 19:8, 45:17
 19 [1] - 19:8
 1938 [3] - 14:7, 14:8, 23:24
 2 [23] - 2:5, 2:11, 2:15, 2:16, 6:5, 6:10, 6:11, 6:20, 7:1, 7:13, 12:20, 21:8, 25:16, 26:3, 34:13, 35:15, 35:22, 40:17, 42:17, 42:19, 44:16, 45:16, 47:13
 2-point [1] - 25:24
 2.17 [1] - 43:15
 20 [3] - 18:17, 36:24, 38:20
 2000 [1] - 11:8
 2006 [8] - 15:13, 15:14, 24:14, 27:16, 29:9, 34:4, 43:14, 43:16
 2007 [9] - 15:12, 23:12, 23:14, 29:2, 29:4, 38:20, 39:20, 40:11, 41:1
 2008 [3] - 2:6, 12:4, 38:20
 2009 [5] - 1:12, 14:18, 42:15, 42:18, 49:13
 21 [2] - 17:25, 18:2
 210 [1] - 35:23
 22 [1] - 19:20
 23 [1] - 21:4
 23rd [1] - 43:14
 24 [1] - 4:10
 25 [2] - 21:14, 45:25
 25th [1] - 23:18
 262 [3] - 35:23, 45:6, 47:13
 27th [1] - 43:16
 28 [1] - 22:17
 29 [1] - 22:17
 2nd [1] - 42:18
 3 [22] - 6:5, 6:17, 6:22, 7:1, 7:13, 9:8, 13:2, 16:23, 21:13, 22:1, 22:3, 25:20, 30:4, 32:7, 32:9, 33:16, 39:25, 40:10, 40:16, 41:9, 44:3, 44:10
 3-07-CR-634 [1] - 2:4
 3-point [1] - 25:24
 30 [5] - 22:23, 39:13, 40:7, 44:23, 46:14
 34 [7] - 23:1, 34:24, 34:25, 35:21, 40:5, 44:23, 44:24
 340-74-1303 [1] - 17:21
 35 [1] - 22:23
 355-8400 [1] - 1:25
 3553(a) [1] - 47:3
 3553(a) [1] - 45:17
 360 [1] - 2:11
 37 [1] - 23:11
 39 [1] - 24:13
 393 [1] - 1:24
 3:07-CR [1] - 1:6
 4 [7] - 13:17, 13:23, 13:24, 13:25, 16:24, 35:22
 4.61 [1] - 43:17
 4.90 [1] - 43:24
 40-hour [2] - 4:18, 4:19
 4A1.2(c)(2) [1] - 33:22
 5 [10] - 1:12, 13:19, 13:23, 13:24, 13:25, 14:3, 38:14, 40:2, 42:20
 50 [10] - 2:8, 16:24, 39:15, 40:6, 40:22, 40:23, 42:17, 42:18, 44:21
 50.95 [1] - 23:1
 500 [2] - 35:1, 35:4
 51 [1] - 24:21
 52722 [1] - 1:24
 52801 [1] - 1:18
 52803 [1] - 1:21
 55 [1] - 25:13
 563 [1] - 1:25
 57.33 [12] - 21:6, 21:9, 21:13, 35:5, 39:19, 40:1, 40:3, 40:13, 44:1, 44:5, 44:8, 44:13
 6 [3] - 10:10, 10:20, 10:22
 61 [1] - 24:21
 634 [1] - 1:6
 69 [5] - 2:21, 2:22, 3:2, 26:6, 35:10
 6th [1] - 36:23
 7 [1] - 39:20
 70 [2] - 3:2, 3:4
 71 [1] - 26:24
 73 [12] - 2:22, 3:7, 3:17, 12:13, 13:2, 13:13, 15:10, 27:15, 34:2, 35:10, 35:11
 79 [2] - 15:10, 34:7
 7th [3] - 40:11, 41:1, 44:1
 8 [3] - 17:24, 18:1, 18:17
 8th [2] - 15:14, 43:18
 9-22 [1] - 7:19
 9th [4] - 37:5, 40:8, 42:2, 42:15
 a.m [1] - 1:12
 above-entitled [1] - 1:12
 absolutely [1] - 43:24
 acceptance [8] - 25:14, 25:17, 32:6, 32:8, 32:13, 33:14, 33:19, 35:19
 access [2] - 13:3, 38:9
 accomplice [1] - 41:4
 according [4] - 21:21, 25:7, 27:17, 40:20
 accordingly [1] - 35:19
 accountable [1] - 19:13
 act [1] - 41:4
 acted [1] - 49:8
 active [1] - 5:3
 activities [2] - 18:19, 18:25
 activity [2] - 27:10, 46:2
 add [1] - 44:17
 added [6] - 39:18, 40:18, 43:3, 44:1, 44:13
 additional [5] - 3:11, 3:15, 32:21, 32:22, 35:15
 address [12] - 14:3, 14:6, 14:10, 14:12, 18:14, 36:14, 36:20, 37:8, 37:13, 40:8, 41:25, 47:8
 addresses [1] - 47:4
 adequate [2] - 36:3, 46:3
 adequately [1] - 47:4
 adjustment [2] - 25:5, 32:2
 admit [4] - 6:21, 10:19, 13:22, 32:13
 admitted [11] - 21:20, 21:22, 25:19, 25:20, 25:23, 26:7, 26:25, 39:25, 40:10, 44:3, 44:10
 admitting [1] - 33:16
 adult [1] - 45:24
 advanced [1] - 4:19
 advice [1] - 47:1
 advisory [2] - 2:19, 46:8
 aggravating [3] - 31:21, 32:4, 33:3
 ago [1] - 37:4
 agreement [1] - 44:15
 ahead [2] - 16:7, 28:9
 AIFIS [1] - 10:4
 air [1] - 44:5
 akin [1] - 35:11
 alias [3] - 17:2, 17:15, 17:16
 aliases [2] - 10:15, 17:1
 allegation [1] - 26:24
 allegations [2] - 22:18, 23:7
 alleged [3] - 24:25, 26:22, 36:24
 allotted [1] - 28:13
 allow [2] - 16:16, 42:4
 allowed [4] - 37:12, 42:14, 42:25, 45:2
 allowing [1] - 39:7
 alone [3] - 34:25, 44:12, 44:25
 Amendment [1] - 38:14
 AMERICA [1] - 1:4
 America [2] - 1:19, 2:3
 amount [19] - 21:4, 21:6, 21:7, 23:2, 23:4, 25:16, 26:2, 34:14, 34:15, 34:18, 34:20, 37:12, 40:14, 40:15, 42:4, 44:12, 44:19, 44:21, 45:21
 amounted [1] - 44:12
 amounts [8] - 18:20, 18:24, 19:6, 19:8, 40:15, 40:19, 41:7, 44:1
 analysis [1] - 7:17
 analyze [1] - 13:9
 analyzed [1] - 4:22
 Andrell [7] - 17:3, 22:24, 26:9, 26:17, 26:19, 40:24, 41:15
 Angelo [4] - 24:15, 24:19, 30:12, 31:16
 anyplace [1] - 36:17
 anyway [1] - 3:11
 apartment [8] - 18:9, 19:22, 19:24, 22:12, 39:23, 39:25, 44:2, 44:7
 Apartments [2] - 24:12, 33:9
 appeal [12] - 36:6, 36:8, 36:10, 41:22, 41:24, 46:23, 47:20, 47:21, 47:22, 47:23, 47:25
 Appeals [2] - 46:24, 47:25
 appear [2] - 26:15, 41:4
 APPEARANCES [1] - 1:16
 appearing [2] - 1:18, 1:21
 appoint [3] - 36:6, 36:9, 46:25
 appointments [1] - 46:23
 approach [1] - 5:25
 appropriate [2] - 35:3, 45:15
 appropriately [4] - 34:23, 35:13, 35:15, 35:20
 argue [1] - 36:2
 argument [3] - 31:23, 31:24, 32:23
 arrest [8] - 10:5, 10:17, 12:16, 14:2, 22:23, 24:2, 26:20, 27:25
 arrested [12] - 5:21, 18:1, 18:3, 18:7, 23:17, 24:6, 26:8,

26:9, 26:15, 27:18,
28:1, 44:14
arrests [2] - 10:14,
10:15
assessment [2] -
31:20, 47:18
assessments [1] -
24:22
Assistant [1] - 1:17
associate [1] - 27:5
associated [1] - 27:4
Association [1] - 5:1
attached [1] - 38:23
attempt [1] - 42:4
attempts [1] - 37:18
attention [7] - 16:21,
34:12, 37:10, 37:14,
38:25, 39:6, 41:19
attorney [4] - 9:17,
12:9, 41:12, 46:25
Attorney [2] - 1:17,
1:20
Attorney's [1] - 1:17
attributable [1] -
2:20
attribute [3] - 35:5,
40:3, 40:4
attributed [2] - 19:9,
23:5
attributing [1] - 23:2
audiotape [3] -
15:17, 30:22, 31:14
August [2] - 14:18,
24:14
Automated [1] - 9:11
automatically [1] -
37:17
available [1] - 46:7
Avenue [2] - 14:7,
14:8
avoid [1] - 46:20
awarded [2] - 2:23,
33:24
awful [1] - 28:6
B-U-M-A-N-N [1] -
8:23
backed [1] - 34:15
background [1] -
4:16
bars [1] - 38:15
base [6] - 3:13, 23:1,
23:13, 34:24, 45:7,
46:17
based [10] - 21:7,
26:1, 33:6, 33:12,
33:24, 34:2, 34:13,
34:18, 35:4, 47:6
basic [2] - 4:18, 5:14
basketball [1] -
20:17
Bates [4] - 17:3,
26:9, 26:17, 26:19
bears [1] - 32:24
began [1] - 23:13
beginning [1] - 18:17
behalf [2] - 1:21,
38:7
behavior [2] - 38:7,
42:5
behind [4] - 5:16,
19:22, 19:25, 20:7
belong [2] - 4:25, 5:1
belonged [3] - 27:1,
44:3, 44:4
beside [1] - 19:23
Bettendorf [1] - 1:24
between [4] - 35:1,
35:23, 46:12, 46:14
beyond [2] - 19:11,
35:7
bills [1] - 18:11
birth [1] - 12:15
blamed [1] - 40:14
blows [1] - 28:1
bogus [3] - 40:15,
40:18, 41:7
book [6] - 25:6,
28:19, 37:15, 40:5,
40:21
booked [1] - 9:6
Booking [1] - 9:11
books [2] - 38:10,
42:12
bottom [1] - 36:2
bought [1] - 25:22
Box [1] - 1:24
Brady [1] - 1:20
bring [3] - 15:18,
16:21, 38:16
Broadway [1] - 33:9
broken [2] - 41:10,
42:19
brought [3] - 7:3,
30:19, 37:14
BRYSON [1] - 1:20
Bryson [2] - 37:16,
45:1
Building [2] - 1:13,
1:18
building [5] - 19:23,
19:24, 19:25, 20:5,
20:8
Bumann [2] - 8:13,
8:23
BUMANN [1] - 8:14
burden [1] - 32:24
Bureau [1] - 47:12
bus [1] - 30:21
business [2] - 28:12,
35:11
Busted [1] - 25:7
buy [6] - 15:16,
39:21, 41:2, 43:14,
43:16, 43:19
buys [6] - 39:16,
39:18, 40:13, 40:25,
43:12, 44:11
BY [13] - 4:3, 6:3,
6:25, 8:3, 8:20, 9:21,
11:2, 11:22, 14:1,
14:24, 16:20, 28:10,
29:16
cab [1] - 20:18
calculation [1] - 2:13
cannot [1] - 44:21
capital [1] - 4:6
car [1] - 20:23
card [1] - 5:19
cards [1] - 13:6
career [1] - 4:23
case [27] - 2:15,
5:22, 10:8, 16:13,
19:13, 24:24, 26:6,
27:16, 33:2, 33:4,
33:18, 35:3, 36:8,
36:21, 37:4, 37:6,
37:17, 37:19, 38:4,
38:18, 38:20, 38:25,
39:6, 43:3, 43:9, 45:2,
47:6
Case [1] - 2:4
cases [2] - 3:3, 28:21
caught [2] - 30:21,
41:4
cell [2] - 29:3, 36:16
certain [1] - 28:21
certainly [2] - 34:13,
35:17
CERTIFICATE [1] -
49:5
Certified [3] - 49:6,
49:17, 49:17
certify [1] - 49:7
change [3] - 30:8,
34:19, 38:10
characteristics [1] -
45:19
characterization [1] -
21:21
characterized [1] -
19:24
charge [2] - 42:16,
44:8
charged [6] - 19:14,
19:15, 19:16, 29:21,
41:8, 42:19
charges [2] - 41:7,
41:23
chemicals [1] - 5:17
Chicago [14] - 12:14,
12:17, 14:2, 14:8,
22:6, 22:9, 23:24,
29:23, 30:12, 30:14,
31:7, 33:8, 33:11,
36:17
choose [3] - 7:8,
7:10, 7:11
chose [2] - 6:15,
44:7
CHRISTOPHER [2] -
1:7, 16:2
Christopher [6] -
2:3, 6:12, 6:18, 12:7,
17:10, 35:9
Chrstopher [3] -
17:7, 17:12
circumstance [1] -
36:3
circumstances [3] -
45:18, 47:5, 47:6
cited [1] - 27:18
City [6] - 4:8, 15:21,
23:17, 23:18, 30:17,
34:4
claim [11] - 17:6,
17:15, 17:18, 17:20,
19:23, 22:25, 25:1,
27:18, 31:21, 32:6,
33:2
claimed [3] - 25:8,
29:1, 32:7
claiming [5] - 3:2,
18:15, 18:21, 26:25,
44:19
claims [4] - 17:2,
21:15, 24:13, 33:21
clarity [1] - 16:14
classes [1] - 4:20
clear [4] - 33:6, 34:1,
34:3, 38:6
clearly [1] - 35:4
CLEMENTS [25] -
1:20, 3:1, 3:6, 6:24,
8:1, 8:3, 8:8, 10:21,
11:2, 11:11, 13:24,
14:24, 15:5, 15:24,
16:8, 16:13, 16:20,
28:10, 29:12, 32:18,
32:22, 34:10, 36:1,
45:14, 48:2
Clements [16] - 2:17,
2:25, 7:25, 10:24,
14:22, 15:22, 34:9,
35:24, 37:16, 38:25,
39:6, 39:11, 45:1,
45:13, 47:23, 48:1
Clements' [1] - 39:3
clerk [3] - 13:3,
13:15, 13:18
CLERK [4] - 4:1,
8:18, 11:20, 16:6
client [5] - 3:2,
34:11, 34:13, 34:16,
39:5
clients [1] - 39:3
close [2] - 39:13,
43:11
clothes [1] - 30:8
cocaine [26] - 2:9,
15:17, 19:16, 21:5,
21:6, 21:7, 22:4, 22:6,
22:9, 23:1, 23:7, 23:8,
23:13, 26:2, 34:21,
34:25, 35:12, 40:2,
41:9, 42:20, 43:12,
43:22, 43:24, 44:16,
46:12
Code [1] - 45:17
code [1] - 10:17
codefendant [3] -
18:19, 39:2, 39:4
Codefendant [1] -
39:1
comment [1] - 38:2
commit [1] - 34:2
committed [1] - 34:5
committee [1] - 5:4
committing [1] -
28:24
communicate [1] -
39:1
compare [3] - 6:15,
6:20, 7:11
comparing [1] - 8:4
comparisons [1] -
6:9
complain [1] - 42:6
complaints [1] -
38:24
complete [3] - 41:11,
46:18, 49:11
complicate [1] -
41:21
comply [1] - 42:3
concerning [3] -
11:3, 38:4, 45:2
conclude [1] - 47:3
concluded [2] -
24:24, 48:6
concludes [1] - 47:7
concurrent [1] -
47:13
conditions [1] -
47:19
conduct [6] - 33:16,
33:22, 43:19, 45:11,
46:3, 46:22
conducted [1] -
39:16
conferences [2] - 5:5

- confine** [1] - 16:9
confirming [1] - 41:23
confronted [1] - 15:15
confuse [1] - 42:25
confusing [1] - 2:9
congress [1] - 34:19
connect [1] - 37:25
connection [1] - 44:18
considerations [1] - 47:9
considered [11] - 45:16, 45:18, 45:20, 45:22, 46:2, 46:6, 46:7, 46:11, 46:17, 46:19
considering [3] - 34:24, 41:19, 47:3
consistent [1] - 20:12
conspiracy [23] - 2:9, 18:23, 21:23, 22:2, 22:21, 25:10, 29:21, 32:10, 32:11, 32:14, 33:17, 34:5, 35:16, 36:24, 39:14, 39:15, 40:11, 41:3, 42:16, 43:20, 44:16, 45:22
constitutional [3] - 38:10, 38:13, 38:14
contacted [3] - 5:22, 12:14, 12:18
contacts [1] - 45:9
contained [1] - 13:1
contains [1] - 49:11
contests [1] - 2:21
context [2] - 17:4, 22:16
controlled [11] - 39:16, 39:18, 39:21, 40:13, 40:25, 41:2, 43:12, 43:14, 43:16, 43:19, 44:11
controlling [1] - 46:11
conversation [1] - 15:19
convicted [1] - 35:9
conviction [7] - 2:22, 2:23, 3:17, 12:10, 12:13, 15:10, 35:11
convictions [6] - 2:21, 10:14, 10:15, 45:8, 46:1
Cook [2] - 11:8, 27:16
cooperate [1] - 43:21
cooperating [1] - 41:5
copies [2] - 38:4, 38:5
corner [1] - 20:4
correct [13] - 5:23, 7:2, 7:20, 7:22, 8:6, 8:7, 11:5, 11:6, 12:10, 12:11, 12:25, 25:2, 28:16
corrected [1] - 28:18
counsel [4] - 36:6, 36:7, 36:9, 46:23
counseling [1] - 42:6
counselor [1] - 38:12
Count [21] - 2:7, 2:11, 2:15, 2:16, 21:8, 25:16, 26:3, 34:13, 35:22, 36:4, 41:7, 41:23, 42:15, 42:17, 42:19, 42:22, 45:16, 47:10, 47:13, 47:14
count [2] - 35:25, 47:15
Counts [1] - 2:5
County [7] - 5:9, 5:10, 11:9, 27:16, 37:21
county [1] - 5:10
couple [1] - 37:7
course [1] - 5:10
COURT [36] - 1:1, 2:2, 3:4, 3:8, 3:11, 3:16, 3:19, 3:21, 6:1, 6:23, 7:25, 8:11, 10:22, 10:24, 11:13, 13:25, 14:22, 15:6, 15:22, 16:1, 16:7, 16:11, 16:18, 28:6, 28:9, 29:14, 32:20, 32:24, 34:9, 34:22, 36:11, 45:4, 45:13, 45:15, 48:3, 48:5
court [5] - 5:8, 13:15, 13:18, 38:18, 49:8
Court [27] - 1:14, 2:5, 2:10, 2:13, 2:15, 15:9, 15:13, 16:17, 19:10, 21:8, 25:18, 34:17, 34:19, 35:8, 36:5, 36:9, 37:8, 41:18, 45:16, 46:2, 46:7, 46:9, 46:24, 47:7, 47:25
courtroom [1] - 9:16
courts [1] - 5:7
cover [1] - 12:23
crack [9] - 2:8, 15:16, 31:3, 34:18, 34:21, 34:25, 35:12, 46:12, 46:14
credible [2] - 35:2, 35:4
crime [3] - 4:14, 34:2, 35:10
crimes [2] - 2:7, 46:4
criminal [13] - 1:6, 2:24, 15:8, 16:10, 26:5, 26:21, 28:13, 33:20, 35:13, 35:21, 45:8, 45:24, 46:3
Criminal [1] - 2:4
criminalist [1] - 4:12
Criven [1] - 24:11
cross [1] - 10:4
CROSS [4] - 8:2, 11:1, 14:23, 29:15
CROSS-EXAMINATION [4] - 8:2, 11:1, 14:23, 29:15
cross-matched [1] - 10:4
CSR [1] - 1:23
current [5] - 28:24, 34:18, 38:11, 41:21, 45:1
custody [2] - 11:5, 47:12
data [1] - 16:25
date [6] - 6:19, 7:16, 12:15, 12:16, 36:25, 42:14
DATED [1] - 49:13
dated [1] - 6:14
DAVENPORT [1] - 1:2
Davenport [7] - 1:12, 1:13, 1:17, 1:18, 1:21, 9:1, 9:4
days [1] - 47:21
DE [1] - 4:6
deal [1] - 20:1
dealing [1] - 38:15
December [2] - 38:19, 49:13
deeply [1] - 35:16
Defendant [2] - 1:8, 1:21
defendant [23] - 2:20, 2:21, 9:20, 14:3, 14:9, 15:9, 15:11, 15:13, 15:16, 15:18, 15:20, 15:24, 33:7, 33:15, 33:20, 34:1, 34:4, 35:6, 35:16, 45:10, 45:19, 46:4, 47:5
DEFENDANT [2] - 28:8, 36:13
defendant's [3] - 12:15, 14:20, 45:7
defendants [2] - 33:2, 46:21
defense [2] - 12:9, 34:8
deliver [1] - 20:7
delivered [1] - 8:5
demonstrated [1] - 46:19
denied [4] - 33:15, 38:4, 38:5, 38:13
deny [1] - 39:25
denying [1] - 41:2
Department [3] - 4:8, 12:14, 13:9
department [1] - 4:12
deputy [1] - 8:23
details [2] - 18:18, 21:23
detained [1] - 42:11
determine [1] - 2:19
determined [2] - 34:23, 35:20
deterrence [1] - 46:3
DeVine [6] - 3:20, 3:22, 4:6, 13:8, 13:11, 33:25
different [2] - 17:18, 46:25
DIRECT [4] - 4:2, 8:19, 11:21, 16:19
directly [2] - 10:2, 11:7
discovery [1] - 38:5
discuss [1] - 22:23
discussed [1] - 19:21
discussion [2] - 20:25, 25:13
discussions [1] - 26:22
dismissed [2] - 47:23, 47:24
disparity [3] - 46:12, 46:15, 46:21
disputes [2] - 2:20, 2:24
disregarded [1] - 39:7
distribute [2] - 42:16, 42:17
distribution [1] - 35:12
DISTRICT [2] - 1:1, 1:1
District [5] - 1:13, 1:14, 1:17, 14:17
Division [2] - 5:2, 5:3
DIVISION [1] - 1:2
division [1] - 12:19
docket [2] - 13:16, 13:18
Document [1] - 16:15
documents [4] - 13:5, 13:10, 13:14, 15:20
done [2] - 11:4, 42:6
doubt [1] - 35:8
down [3] - 36:19, 37:10, 42:19
draw [1] - 34:12
drawer [1] - 30:10
driving [3] - 20:17, 20:18, 20:19
dropped [2] - 30:14, 38:20
drove [2] - 30:12, 30:14
drug [19] - 2:7, 2:20, 3:8, 18:20, 18:24, 20:1, 21:4, 21:22, 22:21, 23:2, 34:15, 34:20, 40:15, 41:3, 41:7, 44:21, 45:8, 46:2
drug-related [2] - 45:8, 46:2
drugs [21] - 19:2, 19:12, 20:7, 20:12, 20:25, 21:2, 21:25, 29:7, 30:2, 33:8, 34:14, 36:17, 39:23, 40:9, 42:16, 43:12, 44:25, 45:10, 45:21, 46:1, 46:16
due [2] - 13:7, 44:8
duly [4] - 3:23, 8:15, 11:17, 16:3
during [18] - 3:14, 15:12, 17:11, 18:22, 21:20, 29:19, 29:21, 30:22, 30:23, 31:14, 33:10, 34:5, 36:7, 36:18, 36:21, 39:9, 43:7, 45:12
duties [1] - 9:5
East [2] - 1:13, 1:18
editor [1] - 5:6
education [1] - 4:17
Edwards [2] - 22:13, 30:13
Edwards' [1] - 22:18
effect [1] - 47:17
either [2] - 42:2, 42:8
elements [2] - 42:21, 42:24
Emerald [1] - 33:9

- employed** [7] - 4:7, 4:9, 8:24, 8:25, 9:2, 12:1, 12:3
employment [2] - 17:22, 45:11
end [7] - 23:16, 23:18, 24:2, 24:5, 29:1, 42:13, 45:6
ended [1] - 36:23
ends [1] - 46:13
enforcement [3] - 19:22, 43:18, 45:9
enhance [1] - 43:4
enhancement [4] - 39:8, 39:9, 43:6, 43:8
entered [1] - 9:22
entirety [1] - 47:11
entitled [5] - 1:12, 25:4, 25:7, 35:17, 35:18
enunciated [1] - 47:16
equivalence [1] - 28:15
essential [1] - 47:9
established [1] - 46:8
estimate [2] - 35:2, 35:3
evidence [18] - 3:9, 3:11, 3:14, 3:16, 15:8, 15:22, 16:12, 26:7, 32:21, 32:22, 33:12, 35:6, 37:22, 37:24, 38:2, 41:19, 44:8, 44:18
exact [1] - 36:25
exactly [3] - 26:4, 42:14
EXAMINATION [8] - 4:2, 8:2, 8:19, 11:1, 11:21, 14:23, 16:19, 29:15
examined [5] - 3:25, 6:13, 8:17, 11:19, 16:5
examiner [1] - 4:15
exceed [1] - 44:22
except [1] - 33:16
excuse [1] - 24:4
excused [1] - 8:11
Exhibit [16] - 6:7, 6:8, 6:10, 6:11, 6:17, 6:20, 7:22, 9:8, 10:10, 10:20, 12:20, 13:2, 13:17, 13:19, 13:23, 14:3
Exhibits [4] - 6:5, 6:22, 7:1, 7:13
exhibits [1] - 7:6
- exist** [2] - 40:15, 41:8
expected [1] - 41:17
explain [3] - 19:10, 21:8, 25:17
extensive [1] - 45:7
facing [5] - 36:4, 37:19, 41:13, 43:10
fact [18] - 6:14, 19:11, 20:1, 20:13, 21:16, 21:22, 23:8, 28:14, 33:4, 36:14, 36:20, 37:13, 38:16, 38:24, 40:8, 41:11, 44:9, 45:11
factor [2] - 46:5, 46:11
factors [2] - 45:17, 47:3
factual [3] - 2:19, 41:19, 44:18
factually [1] - 2:25
failed [1] - 42:2
failure [1] - 42:3
familiar [2] - 32:5, 43:5
far [4] - 15:8, 25:19, 33:14, 42:13
fashioning [1] - 45:15
father [1] - 17:14
Fats [1] - 31:8
FAX [1] - 12:23
faxed [1] - 12:19
FAXed [1] - 12:21
FBI [6] - 4:18, 4:19, 10:7, 10:13, 10:18
February [7] - 12:4, 23:12, 23:14, 23:15, 23:21, 23:25, 41:1
federal [11] - 5:8, 37:2, 37:14, 38:9, 38:17, 39:7, 40:5, 40:21, 42:12, 43:5, 44:20
Federal [2] - 1:13, 1:18
Feds [1] - 25:7
felony [2] - 2:7, 43:3
female's [2] - 39:19, 44:5
few [1] - 42:10
file [4] - 15:1, 41:22, 43:8, 47:25
filed [7] - 36:7, 38:12, 39:9, 39:10, 47:21, 47:22, 47:23
filing [2] - 37:20, 42:11
final [2] - 3:5, 47:24
finally [1] - 40:25
- findings** [1] - 6:8
finger [2] - 6:15, 7:10
fingerprint [6] - 4:15, 5:19, 9:5, 10:16, 12:18, 13:6
fingerprinting [2] - 4:16, 10:2
fingerprints [20] - 4:22, 6:13, 8:4, 8:6, 9:12, 9:13, 9:14, 9:15, 9:22, 10:5, 10:13, 11:3, 11:8, 12:12, 12:16, 12:21, 13:1, 14:25, 15:3, 26:7
fingers [2] - 5:15, 7:9
first [20] - 3:23, 8:6, 8:15, 11:17, 16:3, 16:9, 16:23, 21:11, 26:25, 32:25, 35:23, 37:3, 37:5, 37:16, 39:10, 40:18, 42:1, 42:15, 43:2, 43:4
five [4] - 9:3, 36:7, 42:21, 45:9
flat [1] - 41:11
Flats [2] - 31:8, 33:11
Floor [1] - 1:18
follow [3] - 16:16, 40:22, 41:20
follows [4] - 3:25, 8:17, 11:19, 16:5
FOR [1] - 1:1
force [1] - 47:17
foregoing [1] - 49:10
forensic [1] - 4:21
forgive [1] - 37:11
forgot [1] - 20:16
formally [2] - 27:4, 27:5
forms [1] - 5:17
forth [1] - 35:10
forward [2] - 3:21, 16:1
Fourth [2] - 1:13, 1:18
friend [1] - 23:17
friends [1] - 27:7
full [2] - 30:9, 49:10
fun [1] - 47:2
function [1] - 4:14
gang [5] - 27:2, 27:4, 27:7, 27:9, 27:12
gangs [1] - 26:23
garner [1] - 28:12
gates [1] - 33:4
generally [1] - 5:12
girl [1] - 24:10
girlfriend [1] - 29:25
girlfriend's [1] - 30:2
- given** [7] - 7:1, 11:3, 17:19, 35:13, 35:15, 37:11, 41:24
Government [11] - 2:17, 6:20, 16:16, 17:20, 28:25, 29:2, 32:24, 36:14, 37:22, 37:25, 42:21
Government's [13] - 6:4, 6:17, 6:21, 7:12, 7:21, 9:8, 10:10, 10:19, 12:20, 13:1, 13:17, 13:22, 14:3
gram [1] - 40:14
grams [50] - 2:8, 21:6, 21:9, 21:13, 22:1, 22:3, 22:4, 23:1, 25:20, 30:4, 32:7, 32:9, 33:16, 35:1, 35:4, 35:5, 39:15, 39:18, 39:19, 39:25, 40:1, 40:2, 40:3, 40:4, 40:6, 40:10, 40:12, 40:13, 40:16, 40:18, 40:20, 40:23, 41:9, 42:17, 42:18, 42:20, 43:11, 43:15, 43:17, 43:24, 44:1, 44:3, 44:5, 44:8, 44:10, 44:12, 44:13, 44:22, 44:25
Grand [1] - 38:5
grant [1] - 34:20
great [1] - 47:1
greater [2] - 25:1, 47:8
grounds [1] - 27:23
group [1] - 30:20
groups [1] - 4:21
grow [1] - 31:18
guess [2] - 28:18, 30:6
guideline [12] - 2:10, 2:12, 2:13, 25:6, 28:21, 36:2, 37:14, 40:5, 40:21, 44:20, 45:6, 47:4
guidelines [5] - 33:22, 46:9, 46:13
Guidelines [1] - 35:21
guilty [14] - 21:12, 32:15, 33:18, 39:15, 40:1, 40:6, 40:23, 41:12, 42:19, 42:20, 42:22, 44:9, 44:21, 46:22
guy [1] - 20:16
guys [1] - 20:23
gym [2] - 20:22, 20:24
- half** [2] - 46:15, 46:16
handle [1] - 45:2
handling [2] - 36:8, 38:18
happy [1] - 38:11
headed [1] - 16:17
hear [2] - 31:14, 35:23
heard [4] - 3:13, 39:24, 42:9, 45:12
HEARING [1] - 1:7
hearing [3] - 1:12, 48:6, 49:9
heavily [1] - 46:20
Heidi [2] - 1:23, 49:16
held [1] - 19:12
help [3] - 41:6, 41:14, 41:18
hereby [2] - 47:12, 49:7
herein [1] - 49:12
hid [1] - 30:5
high [3] - 42:13, 45:6, 46:13
hissself [2] - 38:7, 41:14
history [14] - 2:24, 15:8, 16:10, 26:5, 26:21, 28:13, 33:20, 35:13, 35:22, 45:8, 45:10, 45:19, 45:24, 46:18
hold [3] - 14:16, 40:8, 44:24
Honor [19] - 3:10, 3:12, 3:13, 3:18, 6:24, 15:7, 15:25, 16:8, 29:13, 32:19, 32:23, 33:1, 34:10, 36:1, 36:10, 45:5, 45:14, 48:2, 48:4
Honorable [1] - 1:13
hour [1] - 10:3
house [8] - 21:12, 30:2, 30:7, 30:15, 39:19, 40:14, 43:22, 43:23
Humphries [1] - 30:13
IAFIS [1] - 10:2
IAI [1] - 5:2
ID [1] - 7:15
idea [2] - 21:11, 44:5
identification [1] - 10:4
Identification [1] - 5:2

- identified** [1] - 9:20
identifiers [1] - 10:16
identifying [1] - 16:25
ignored [3] - 37:15, 38:14, 38:16
ignoring [1] - 46:15
Illinois [10] - 4:20, 5:2, 5:3, 14:8, 14:17, 23:24, 27:16, 27:22, 49:7, 49:17
immediate [1] - 47:20
important [2] - 46:5, 46:10
imposed [4] - 2:10, 35:25, 36:12, 47:14
impression [5] - 5:15, 5:18, 5:20, 6:11, 6:18
imprisonment [1] - 35:23
IN [1] - 1:1
incarcerated [3] - 42:9, 42:11, 47:19
incident [1] - 27:17
incidents [3] - 18:22, 43:25, 44:17
include [2] - 19:17, 22:25
included [2] - 18:20, 21:9
includes [3] - 21:5, 21:6, 44:15
including [3] - 44:7, 46:1, 47:17
inclusion [2] - 19:5, 19:10
incorrect [1] - 44:23
indicate [1] - 23:21
indicated [10] - 7:5, 7:15, 12:16, 24:5, 24:23, 25:14, 27:15, 28:11, 29:17, 34:16
indicates [5] - 15:11, 18:2, 21:14, 26:8, 33:18
indicating [1] - 20:11
indictment [4] - 2:6, 19:17, 38:17, 38:19
individual [3] - 9:15, 31:11, 34:2
individuals [1] - 20:11
ineffective [1] - 42:6
informants [1] - 39:17
information [2] - 11:7, 38:22
informed [1] - 15:9
- initialed** [1] - 6:14
initials [2] - 6:19, 7:15
ink [4] - 5:13, 5:18, 6:11, 6:18
inmate [1] - 42:9
inmates [2] - 9:5, 38:9
innocence [2] - 24:23, 38:3
instructed [1] - 42:21
intend [1] - 3:9
intent [1] - 42:17
interested [1] - 20:24
Internation [1] - 5:1
interview [4] - 21:15, 21:17, 21:20, 30:23
interviewed [1] - 21:14
interviewing [1] - 14:9
investigator [1] - 4:14
involve [3] - 32:10, 40:12, 43:13
involved [14] - 2:9, 15:2, 18:24, 22:21, 23:7, 25:10, 26:23, 27:12, 29:7, 35:16, 39:14, 39:15, 40:25, 43:20
involvement [1] - 41:3
involving [3] - 39:13, 39:17, 45:10
IOWA [1] - 1:1
Iowa [28] - 1:13, 1:14, 1:17, 1:18, 1:21, 1:24, 9:1, 15:11, 15:21, 23:12, 23:17, 23:18, 23:25, 24:3, 24:6, 24:7, 24:14, 24:15, 24:17, 24:18, 29:1, 29:9, 29:17, 30:17, 34:4, 36:15, 49:7, 49:17
Island [4] - 4:8, 5:9, 5:11, 13:8
issue [4] - 3:8, 28:23, 42:24, 43:9
issued [5] - 10:6, 38:17, 38:19, 42:4, 43:7
issues [4] - 32:25, 34:7, 37:9, 41:25
issuing [1] - 42:13
it'll [2] - 10:18, 47:25
item [1] - 26:14
items [2] - 30:7, 34:12
- JABS** [4] - 9:10, 9:23, 9:24, 10:1
James [8] - 2:4, 2:17, 6:18, 12:7, 17:10, 17:15, 37:16, 45:1
JAMES [2] - 1:7, 1:20
January [3] - 15:12, 29:1, 29:4
Jarvey [1] - 1:13
job [1] - 20:18
jobs [1] - 4:13
John [1] - 1:13
Joint [1] - 9:11
judge [5] - 42:10, 42:12, 42:20, 43:1
Judge [1] - 1:13
judgment [4] - 37:4, 37:6, 47:21, 47:24
Julia [1] - 22:24
July [3] - 39:20, 40:11, 44:1
June [2] - 27:16, 42:18
jurisdictions [1] - 38:15
jury [13] - 2:8, 21:12, 25:15, 26:1, 34:14, 35:7, 39:14, 39:24, 40:1, 40:2, 42:21, 42:25, 44:9
Jury [1] - 38:5
jury's [1] - 21:7
justify [1] - 43:1
juvenile [3] - 2:23, 26:6, 43:3
Katie [4] - 5:22, 7:2, 11:14, 11:25
KATIE [1] - 11:16
keeps [1] - 36:14
Kiki [1] - 24:10
kilograms [1] - 35:1
kinds [1] - 46:7
Kishandra [1] - 24:11
knowledge [6] - 8:5, 23:4, 27:21, 39:9, 39:22, 40:1
known [1] - 5:19
knows [1] - 40:7
Knox [1] - 37:21
Krafka [2] - 1:23, 49:16
lack [5] - 38:25, 39:5, 44:8, 46:17, 46:18
Lakeside [2] - 24:12, 33:9
larger [2] - 26:2, 34:14
last [5] - 4:5, 8:21, 8:23, 11:23, 12:23
- late** [1] - 43:9
latent [4] - 4:15, 5:12, 5:14, 5:18
Laura [2] - 7:4, 13:8
Law [1] - 1:20
law [9] - 19:21, 33:3, 33:5, 33:18, 34:19, 38:9, 42:12, 43:18, 45:9
lawsuit [1] - 42:11
lawyer [12] - 37:12, 37:25, 38:7, 38:12, 38:21, 38:24, 39:6, 40:7, 41:21, 43:10, 44:25, 45:1
lawyers [2] - 38:11, 42:23
lease [1] - 18:9
least [9] - 34:20, 36:7, 39:15, 40:6, 40:21, 40:23, 42:16, 42:18, 44:21
leaving [1] - 38:22
left [2] - 5:15, 31:25
length [1] - 45:21
LEO [1] - 43:21
less [3] - 40:2, 42:20, 47:1
lessen [1] - 41:14
lesser [1] - 25:16
letter [1] - 37:3
letters [2] - 37:1, 37:9
level [7] - 34:24, 35:21, 40:5, 40:7, 44:22, 44:24, 46:17
lied [1] - 41:16
lies [1] - 41:7
life [12] - 2:6, 2:10, 2:12, 2:13, 2:14, 36:4, 37:19, 41:13, 43:2, 43:10, 45:24
light [1] - 35:17
link [1] - 10:18
listed [1] - 19:2
listen [1] - 47:2
live [3] - 10:2, 23:23, 24:19
lived [3] - 22:14, 24:18, 29:17
living [2] - 29:19, 29:23
located [1] - 21:5
look [1] - 26:6
looking [4] - 10:10, 12:20, 12:23, 33:21
looks [3] - 5:18, 28:6, 46:10
Lords [2] - 27:1, 27:13
- losing** [1] - 38:1
ma'am [18] - 3:21, 8:11, 10:12, 29:18, 29:23, 30:1, 30:3, 30:11, 30:18, 30:24, 31:1, 31:4, 31:6, 31:9, 31:15, 31:17, 31:19, 32:16
machine [2] - 9:10, 9:11
mad [2] - 41:15, 41:16
maintaining [1] - 24:23
man [4] - 35:8, 35:9, 41:11, 45:23
mandatory [2] - 2:12, 46:9
March [10] - 2:6, 23:12, 23:14, 23:16, 23:18, 24:2, 24:5, 38:20
marijuana [6] - 19:5, 19:9, 19:10, 19:13, 19:14, 19:18
marked [1] - 6:4
marshal [1] - 33:25
Marshal [4] - 8:25, 9:3, 9:6, 11:4
Marshals [1] - 13:2
MARY [1] - 3:22
Mary [5] - 3:20, 4:6, 13:8, 13:11, 33:25
match [1] - 10:6
matched [1] - 10:4
material [1] - 30:9
matter [7] - 1:12, 2:3, 2:16, 7:10, 16:11, 38:15, 49:10
mattress [2] - 22:4, 30:4
maximum [1] - 2:11
MCGEE [1] - 1:7
McGee [14] - 2:4, 6:12, 6:18, 12:7, 16:2, 16:21, 34:23, 35:9, 35:24, 36:11, 45:23, 46:6, 47:10
mean [2] - 22:14, 27:5
means [1] - 39:4
meeting [2] - 19:25, 20:1
MELISA [1] - 1:17
Melissa [1] - 2:18
member [2] - 5:3, 27:1
members [1] - 27:7
memorandum [2] -

- 16:15, 34:16
mention [3] - 36:19, 37:11, 44:20
mentioned [5] - 30:20, 36:18, 37:9, 40:15, 49:8
met [2] - 37:16, 42:7
mind [1] - 37:17
mine [4] - 21:25, 25:21, 25:22, 44:9
minimum [1] - 2:12
Mirandized [3] - 21:15, 21:16, 33:10
Miss [1] - 22:18
mistake [1] - 28:5
mitigating [7] - 25:4, 31:20, 31:22, 33:4, 33:7, 33:13, 35:17
mitigator [1] - 33:2
moment [1] - 3:1
money [1] - 43:23
months [5] - 2:11, 35:23, 40:18, 45:6, 47:13
moot [2] - 2:14
mother [2] - 14:20, 23:15
mother's [2] - 23:22, 30:15
motion [1] - 38:12
motions [6] - 36:7, 37:20, 38:21, 38:22, 38:23
motives [1] - 41:20
move [4] - 6:21, 10:19, 13:22, 24:15
moved [2] - 24:14, 24:17
moves [1] - 34:19
moving [2] - 17:24, 26:5
MR [25] - 3:1, 3:6, 5:25, 6:24, 8:1, 8:3, 8:8, 10:21, 11:2, 11:11, 13:24, 14:24, 15:5, 15:24, 16:8, 16:13, 16:20, 28:10, 29:12, 32:18, 32:22, 34:10, 36:1, 45:14, 48:2
MS [28] - 3:10, 3:12, 3:18, 3:20, 4:3, 6:3, 6:21, 6:25, 7:24, 8:10, 8:12, 8:20, 9:19, 9:21, 10:19, 10:23, 11:12, 11:14, 11:22, 13:22, 14:1, 14:21, 15:7, 29:16, 32:17, 33:1, 45:5, 48:4
multiple [1] - 46:1
- must** [1] - 42:21
name [24] - 4:4, 4:5, 8:21, 8:22, 8:23, 11:23, 11:24, 12:15, 17:3, 17:6, 17:8, 17:10, 17:11, 18:12, 20:16, 24:10, 24:11, 26:8, 26:10, 26:12, 26:16, 26:19, 31:8, 33:11
named [3] - 6:11, 39:2, 39:4
nature [2] - 28:1, 45:18
near [1] - 24:5
Nebel [2] - 7:4, 13:8
necessary [1] - 47:8
need [6] - 2:24, 44:25, 46:2, 46:3, 46:20
needed [1] - 12:16
never [7] - 17:5, 17:11, 22:1, 24:18, 26:18, 29:17, 30:12
new [5] - 36:6, 36:7, 36:9, 38:12, 44:25
newsletter [1] - 5:6
next [1] - 9:17
night [3] - 20:23, 20:24, 21:6
nights [1] - 29:24
nobody [1] - 25:21
none [1] - 28:3
Northern [1] - 14:17
note [3] - 14:3, 14:6, 45:23
nothing [13] - 3:15, 3:24, 8:16, 11:12, 11:18, 16:4, 21:13, 23:3, 31:13, 39:21, 42:6, 43:24, 45:14
noticed [1] - 47:22
November [3] - 1:12, 15:14, 43:18
number [13] - 6:15, 6:19, 7:16, 10:7, 10:14, 10:16, 10:18, 17:19, 17:20, 17:21, 23:6, 45:25
object [3] - 5:16, 23:2, 23:3
objected [11] - 12:9, 16:22, 17:1, 18:20, 19:5, 19:6, 19:9, 21:7, 22:17, 26:23, 33:15
objection [5] - 10:21, 13:23, 13:24, 25:10, 28:20
objections [5] - 25:15, 28:14, 39:12, 39:13, 41:24
objects [1] - 15:9
observed [1] - 27:19
obtain [3] - 12:17, 13:1, 15:18
obvious [1] - 41:6
obviously [1] - 33:15
occasion [2] - 23:8, 29:25
October [9] - 2:5, 36:23, 36:24, 37:5, 40:8, 42:2, 42:15, 43:14, 43:16
OF [4] - 1:1, 1:4, 1:7, 49:5
offense [16] - 24:22, 24:25, 28:12, 28:25, 33:16, 34:24, 35:14, 35:21, 40:4, 40:7, 44:22, 44:24, 45:18, 45:20, 46:17
offered [2] - 49:9, 49:11
office [6] - 5:23, 13:10, 24:24, 34:23, 35:20, 45:11
Office [1] - 1:17
officer [6] - 12:6, 13:7, 14:16, 27:23, 33:10, 34:1
officers [8] - 17:10, 20:11, 21:16, 27:19, 31:2, 41:16, 43:19, 45:9
official [1] - 4:11
old [1] - 45:25
omitted [1] - 3:4
once [2] - 9:6, 9:22
one [21] - 7:14, 14:16, 17:19, 19:22, 26:25, 28:13, 28:22, 31:24, 31:25, 32:3, 33:3, 33:5, 33:8, 33:24, 34:12, 37:18, 39:3, 39:17, 42:2, 43:3, 45:20
open [1] - 31:25
opinion [1] - 7:12
opinions [1] - 38:8
opposite [2] - 33:5, 41:11
options [1] - 46:6
orange [1] - 9:18
order [2] - 34:25, 42:22
organizations [1] - 4:25
ounce [2] - 15:16, 15:18
ounces [2] - 40:17, 44:16
outrageous [1] - 42:4
p.m [1] - 48:6
P.O [1] - 1:24
packaging [1] - 30:9
page [6] - 12:23, 16:23, 16:24, 16:25, 17:1, 49:9
pages [1] - 49:10
palms [1] - 5:15
papers [9] - 38:3, 38:24, 39:1, 39:4, 39:8, 39:10, 43:6, 43:8, 43:9
paperwork [1] - 7:1
paragraph [28] - 2:21, 3:2, 3:17, 7:21, 12:13, 13:2, 13:13, 15:10, 18:1, 18:2, 18:17, 19:7, 19:20, 21:4, 21:14, 23:1, 23:11, 24:13, 25:13, 26:6, 26:24, 27:15, 34:2, 34:7, 35:10, 35:11
paragraphs [7] - 17:24, 19:3, 22:17, 22:23, 23:6, 24:21, 26:21
parole [3] - 27:22, 27:23, 28:2
part [8] - 9:5, 9:7, 25:11, 25:12, 25:19, 27:5, 31:25
participated [1] - 27:9
particular [2] - 5:22, 10:8
particularly [1] - 46:5
partner [1] - 7:3
party [1] - 5:21
passing [1] - 27:19
past [2] - 5:4, 5:7
pay [2] - 18:9, 41:18
penalty [1] - 28:3
people [5] - 17:9, 32:1, 42:10, 43:5, 44:7
Peoria [1] - 5:10
per [1] - 15:12
performance [1] - 38:11
perhaps [1] - 2:9
period [3] - 29:19, 29:20, 29:21
permission [1] - 6:2
person [17] - 6:11, 7:14, 20:3, 21:2, 26:8, 26:16, 31:22, 31:24, 32:1, 32:3, 33:3, 33:4, 40:6, 40:23, 40:24, 43:20, 44:21
personal [3] - 25:20, 40:11, 44:4
phone [5] - 15:15, 15:19, 29:4, 36:15, 36:18
phones [1] - 36:16
phonetic [1] - 24:11
photography [1] - 5:17
physical [1] - 10:16
pick [2] - 13:10, 30:16
picked [1] - 41:1
picture [2] - 16:25, 28:6
place [6] - 18:2, 18:14, 28:3, 36:21, 43:14, 43:17
placed [3] - 29:6, 31:24, 32:1
Plaintiff [1] - 1:5
planning [1] - 38:2
played [4] - 15:17, 20:17, 25:11, 30:22
point [13] - 16:9, 22:11, 24:19, 28:13, 28:19, 28:21, 28:25, 29:2, 29:4, 29:13, 33:24, 35:13
points [7] - 2:23, 2:24, 15:8, 33:20, 34:6, 35:15, 35:18
Police [3] - 4:8, 12:14, 13:9
police [19] - 4:12, 6:14, 6:19, 13:16, 13:20, 15:15, 17:9, 25:21, 26:18, 27:17, 33:23, 38:6, 39:17, 39:19, 41:5, 43:21, 43:23, 44:2, 44:6
Pollnitz [3] - 17:7, 17:10, 17:13
positive [1] - 10:3
possessing [5] - 40:2, 41:9, 42:17, 42:20, 44:10
possession [3] - 25:20, 34:15, 41:10
possible [3] - 37:18, 40:20, 42:23
powder [5] - 5:17, 34:18, 34:21, 46:12, 46:14
preponderance [1] - 35:6

- present** [9] - 2:16, 3:9, 14:19, 15:23, 16:12, 18:22, 22:25, 23:23, 23:25
presented [1] - 3:14
presentence [1] - 12:6
Presentence [16] - 2:22, 3:5, 16:22, 17:2, 18:2, 18:18, 18:21, 21:9, 21:21, 22:24, 24:13, 24:21, 26:7, 26:14, 28:14
presenting [1] - 3:16
president [1] - 5:4
pretty [1] - 27:25
previous [1] - 10:5
previously [1] - 47:16
primary [1] - 4:14
print [6] - 5:12, 5:13, 5:14, 7:8, 10:7, 13:15
printed [1] - 13:3
printout [4] - 9:10, 10:11, 13:16, 13:18
Prisons [1] - 47:13
Probation [2] - 12:2, 12:5
probation [14] - 5:23, 14:15, 14:16, 24:24, 28:24, 34:1, 34:5, 34:23, 35:14, 35:20, 36:20, 36:22, 36:23, 36:25
proceedings [2] - 49:9, 49:12
processing [1] - 9:7
professional [1] - 4:25
pronouncing [1] - 36:5
proof [2] - 32:25, 35:7
properly [1] - 42:2
prosecutor [5] - 39:8, 41:17, 42:8, 43:3, 43:8
prosecutors [1] - 42:25
protect [1] - 46:4
prove [1] - 42:22
proved [2] - 36:15, 42:24
proven [1] - 42:23
provided [1] - 12:15
proving [2] - 38:3, 39:13
PSI [17] - 36:21, 37:12, 39:12, 39:16, 39:22, 40:3, 40:4, 40:16, 40:19, 41:24, 43:10, 43:11, 43:25, 44:11, 44:18, 44:19, 44:23
PSR [1] - 23:5
public [1] - 46:4
punishment [1] - 45:23
purported [1] - 21:19
purporting [1] - 15:1
purpose [1] - 20:20
purposely [1] - 41:21
pursue [1] - 36:6
put [5] - 5:5, 7:15, 10:17, 37:8, 39:11
putting [1] - 10:13
qualified [1] - 25:12
qualifies [1] - 25:23
qualify [8] - 25:2, 25:8, 25:16, 28:19, 28:21, 32:1, 32:12, 33:7
questions [11] - 7:24, 8:9, 8:10, 10:23, 11:11, 14:21, 15:5, 16:10, 16:14, 29:12, 32:17
quite [2] - 45:24, 45:25
racked [1] - 45:24
raise [1] - 42:24
raised [2] - 34:8, 43:9
range [8] - 2:19, 35:22, 36:2, 40:22, 45:6, 46:8, 47:5, 47:7
ratio [1] - 46:14
reaching [1] - 44:15
read [7] - 25:6, 25:9, 28:19, 28:20, 37:1, 38:21, 39:22
real [1] - 24:11
really [3] - 7:10, 26:20
reason [3] - 2:14, 28:4, 43:25
reasonable [3] - 35:3, 35:8, 47:6
received [9] - 2:6, 6:23, 10:22, 13:25, 14:25, 15:2, 36:17, 37:3, 46:25
recess [1] - 48:5
recognize [3] - 6:5, 6:7, 9:8
recognizing [1] - 35:6
recommend [1] - 46:24
recommendation [1] - 47:18
reconnecting [1] - 23:11
record [5] - 4:4, 8:21, 9:19, 11:23, 37:8
recorded [1] - 7:21
recording [1] - 21:19
records [3] - 14:25, 15:2, 46:21
recovered [3] - 5:16, 43:15, 43:17
redirect [1] - 32:18
redo [1] - 38:21
reduce [1] - 44:15
reduction [6] - 25:2, 25:9, 25:16, 25:24, 33:19
refer [1] - 16:23
reference [6] - 12:13, 13:13, 19:17, 19:20, 20:10, 21:4
referencing [1] - 17:24
referred [2] - 21:25, 22:18
referring [2] - 22:1, 22:15
reflect [1] - 9:19
refused [1] - 34:14
regarding [7] - 6:8, 11:7, 14:25, 18:19, 19:7, 24:25, 33:17
regards [1] - 13:2
regulations [2] - 39:7, 43:6
rejected [1] - 35:7
related [4] - 10:14, 15:10, 45:8, 46:2
relates [2] - 46:5, 46:12
release [3] - 45:7, 47:15, 47:16
released [2] - 14:13, 27:22
relevant [1] - 18:23
remain [2] - 47:10, 47:17
remember [7] - 15:14, 26:20, 27:24, 28:4, 31:5, 31:7, 31:10
remembered [1] - 27:25
remorse [1] - 46:18
rent [1] - 18:9
repeat [2] - 24:4, 34:11
report [12] - 6:8, 12:7, 13:16, 13:20, 14:2, 14:4, 18:21, 23:5, 27:17, 33:23, 40:3, 40:16
Report [16] - 2:22, 3:5, 16:22, 17:2, 18:2, 18:18, 18:21, 21:10, 21:21, 22:24, 24:13, 24:21, 26:8, 26:14, 28:14
REPORTER [1] - 49:5
reporter [1] - 49:8
Reporter [2] - 49:6, 49:17
Reporting [1] - 1:23
reports [2] - 12:24, 38:6
represent [1] - 47:2
represented [2] - 2:17, 2:18
request [1] - 42:3
requested [1] - 38:22
resentencing [1] - 2:16
reside [2] - 14:14, 18:15
residence [7] - 14:15, 14:17, 14:19, 17:25, 18:3, 18:15, 21:5
residing [3] - 18:3, 22:12, 23:22
resolved [1] - 2:25
respect [1] - 2:15
responsibility [6] - 25:14, 25:17, 32:7, 33:14, 33:19, 35:19
responsible [9] - 25:8, 39:20, 39:23, 40:9, 40:19, 43:11, 44:19, 44:24, 46:16
resulted [1] - 43:14
resulting [1] - 43:17
return [2] - 10:3, 32:20
reviewed [3] - 7:5, 13:11, 13:12
reviewing [3] - 13:21, 14:2, 26:14
ridges [1] - 5:15
River [1] - 27:22
RMR [1] - 1:23
Rock [4] - 4:8, 5:9, 5:11, 13:8
rocks [2] - 27:19, 28:1
role [17] - 24:22, 24:25, 25:5, 31:20, 31:21, 31:22, 32:4, 32:12, 33:1, 33:2, 33:3, 33:4, 33:7, 33:13, 35:17
rule [1] - 44:20
rules [5] - 37:13, 39:7, 41:10, 41:20, 43:6
run [1] - 47:13
rush [1] - 41:22
sale [1] - 20:12
sales [1] - 23:8
Sanders [26] - 15:14, 15:18, 18:19, 18:23, 19:7, 21:23, 22:7, 22:24, 23:6, 23:12, 23:19, 24:25, 29:3, 30:12, 33:12, 34:3, 35:5, 39:17, 40:17, 40:25, 41:4, 41:15, 43:20, 44:11, 44:13
sanders [1] - 41:15
Sanders' [2] - 18:24, 40:13
Sara [1] - 30:13
saw [2] - 19:22, 19:23
scan [1] - 10:2
scene [1] - 4:14
school [4] - 4:18, 4:19, 17:11
science [1] - 4:21
Scott [5] - 5:9, 24:15, 24:19, 30:13, 31:16
search [1] - 43:21
searched [1] - 43:23
searching [1] - 38:8
seated [5] - 2:2, 4:1, 8:18, 11:20, 16:6
second [2] - 14:16, 21:12
section [1] - 26:22
Section [1] - 45:17
secure [1] - 12:12
Security [2] - 10:16, 17:19
see [2] - 9:16, 28:7
seeing [1] - 26:16
seeings [1] - 27:24
seeks [1] - 34:17
selling [1] - 23:13
sells [1] - 33:11
send [1] - 10:1
sent [4] - 38:24, 39:1, 39:4, 39:5
sentence [16] - 2:7, 2:10, 2:14, 35:25, 36:2, 36:4, 36:5, 36:12, 41:14, 43:2, 44:15, 45:16, 47:7, 47:10, 47:14
sentenced [4] - 37:5, 39:11, 47:9, 47:12

- sentences** [2] - 37:19, 46:8
Sentencing [1] - 35:20
sentencing [21] - 2:5, 2:19, 16:15, 28:20, 33:21, 34:16, 40:5, 40:8, 42:1, 42:5, 42:14, 42:15, 43:1, 46:6, 46:8, 46:20, 47:4, 47:5, 47:9, 47:17
serious [1] - 45:21
seriousness [1] - 45:20
serve [1] - 5:4
served [1] - 5:4
service [1] - 20:19
Service [4] - 8:25, 9:3, 9:6, 11:4
set [2] - 2:15, 35:10
seven [1] - 45:8
several [3] - 5:8, 16:21, 20:10
Shakita [3] - 22:13, 30:13, 30:21
Sharkey [1] - 22:24
sheet [1] - 12:23
Shorthand [2] - 49:6, 49:17
shouting [1] - 27:19
showing [5] - 6:4, 9:8, 38:25, 39:5, 42:7
shown [2] - 38:25, 49:12
siblings [1] - 14:20
side [3] - 19:22, 19:24, 20:4
signs [1] - 42:7
similar [3] - 10:1, 46:21, 46:22
simple [2] - 5:19, 41:10
simply [3] - 15:1, 41:20, 47:2
sitting [1] - 9:17
situation [1] - 41:22
situations [2] - 41:18, 45:2
six [2] - 36:7, 44:6
Social [2] - 10:16, 17:19
sock [1] - 30:9
sold [4] - 31:3, 31:12, 40:17, 44:16
soliciting [2] - 28:12, 35:10
someone [5] - 19:22, 19:25, 24:6, 39:23, 47:2
- sometime** [1] - 24:14
soon [1] - 37:18
sorry [1] - 13:21
sort [1] - 31:24
source [3] - 31:7, 31:12, 33:11
South [3] - 14:7, 14:8, 23:24
SOUTHERN [1] - 1:1
Southern [2] - 1:14, 1:17
speaking [1] - 43:5
special [1] - 47:18
specifically [2] - 19:6, 26:24
spell [3] - 4:4, 8:21, 11:23
spelled [1] - 17:7
spelling [1] - 8:23
spend [1] - 29:24
Spires [3] - 39:2, 39:4
spoken [1] - 5:5
stand [3] - 15:25, 34:11, 39:12
standard [1] - 35:7
started [2] - 36:23, 36:24
starting [1] - 18:1
starts [1] - 34:24
state [4] - 4:4, 8:21, 11:23, 38:18
State [1] - 4:20
statement [2] - 40:24, 44:13
statements [3] - 33:10, 38:1, 38:5
STATES [2] - 1:1, 1:4
states [1] - 36:22
States [9] - 1:14, 1:17, 1:18, 2:3, 8:12, 11:14, 12:2, 45:17, 49:7
statutory [1] - 2:11
stayed [3] - 13:12, 22:13, 24:11
staying [1] - 23:15
still [3] - 27:21, 35:2, 46:16
store [2] - 30:2, 30:5
stored [1] - 30:4
stories [1] - 41:5
storing [1] - 30:5
Street [3] - 1:13, 1:18, 1:20
street [5] - 26:23, 27:1, 27:4, 27:7, 27:12
strong [1] - 45:10
- subject** [1] - 5:20
subjects [1] - 27:19
substantial [1] - 46:18
sufficient [1] - 47:8
suggest [2] - 16:14, 35:22
suggests [1] - 33:3
summer [2] - 15:13, 34:4
supervised [3] - 45:7, 47:15, 47:16
supervisor [3] - 12:18, 32:4, 33:5
supplied [1] - 33:25
supply [1] - 19:2
supplying [2] - 23:8, 33:9
support [1] - 38:2
supposed [2] - 39:10, 44:22
surprise [1] - 42:5
sworn [4] - 3:23, 8:15, 11:17, 16:3
System [1] - 9:11
system [6] - 10:4, 10:11, 10:17, 13:3, 37:2, 47:4
T-A-D-Y [1] - 11:25
table [1] - 32:20
Tady [4] - 5:23, 7:2, 11:15, 11:25
TADY [1] - 11:16
talks [2] - 23:11, 24:21
taxi [4] - 20:11, 20:13, 20:15, 20:17
taxicab [1] - 20:19
Taylor [1] - 17:16
Tazewell [1] - 5:10
ten [4] - 40:17, 45:6, 47:15, 47:21
ten-year [1] - 47:15
term [1] - 47:15
terms [3] - 5:14, 47:16, 47:19
Terry [2] - 8:12, 8:23
TERRY [1] - 8:14
testified [7] - 3:25, 5:7, 5:8, 8:4, 8:17, 11:19, 16:5
testify [6] - 3:24, 8:16, 11:18, 16:4, 22:19, 23:9
testimony [13] - 11:3, 15:12, 22:18, 29:3, 33:6, 33:24, 34:3, 35:2, 35:5, 35:18, 46:19, 49:9, 49:11
- that'll** [1] - 47:13
THE [43] - 1:1, 1:1, 2:2, 3:4, 3:8, 3:11, 3:16, 3:19, 3:21, 4:1, 6:1, 6:23, 7:25, 8:11, 8:18, 10:22, 10:24, 11:13, 11:20, 13:25, 14:22, 15:6, 15:22, 16:1, 16:6, 16:7, 16:11, 16:18, 28:6, 28:8, 28:9, 29:14, 32:20, 32:24, 34:9, 34:22, 36:11, 36:13, 45:4, 45:13, 45:15, 48:3, 48:5
therefore [4] - 2:13, 18:23, 33:23, 34:6
they've [3] - 10:5, 10:6, 19:24
third [1] - 43:19
Third [1] - 1:18
thousands [1] - 4:24
three [5] - 17:1, 26:21, 39:16, 44:7, 44:11
thumb [3] - 6:16, 7:5, 7:11
Thursday [1] - 1:12
timely [2] - 47:23, 48:1
Title [1] - 45:17
title [2] - 4:11, 49:9
today [11] - 2:16, 2:25, 9:16, 14:14, 16:12, 33:25, 35:18, 36:5, 37:6, 46:19, 47:22
together [2] - 5:5, 23:13
took [12] - 9:13, 9:14, 9:15, 22:16, 29:9, 30:18, 36:21, 43:14, 43:16, 43:25, 44:11, 44:13
top [4] - 12:24, 16:24, 16:25, 47:7
total [2] - 21:6, 40:19
town [1] - 13:7
track [1] - 16:17
training [2] - 4:17, 5:4
transcribed [1] - 49:9
TRANSCRIPT [1] - 1:7
transcript [3] - 49:9, 49:11, 49:11
travel [1] - 22:6
traveling [1] - 33:8
treat [1] - 34:17
- treated** [1] - 34:21
trial [23] - 3:13, 3:14, 15:12, 19:21, 21:20, 22:19, 23:6, 30:22, 31:14, 32:14, 33:6, 34:3, 35:2, 35:18, 37:20, 39:9, 39:10, 39:24, 42:10, 43:7, 45:12
tried [5] - 38:16, 43:8, 43:10, 43:19, 44:2
trips [1] - 30:16
trouble [1] - 41:6
true [2] - 21:24, 49:11
Trumbull [3] - 14:7, 14:8, 23:24
truth [13] - 3:24, 8:16, 11:18, 16:4, 44:14
truthfully [2] - 22:19, 23:9
trying [7] - 32:10, 37:25, 40:14, 41:21, 41:22, 43:1, 44:24
turning [1] - 19:20
twice [2] - 31:3, 37:11
two [15] - 2:7, 3:6, 5:1, 9:4, 13:5, 23:13, 33:8, 34:6, 34:12, 36:16, 37:19, 38:15, 40:17, 40:18, 44:17
type [1] - 28:2
typewritten [1] - 49:10
U.S [3] - 1:17, 8:25, 13:2
under [6] - 17:11, 22:4, 26:8, 26:9, 30:4, 35:20
undersigned [1] - 49:6
UNITED [2] - 1:1, 1:4
United [8] - 1:14, 1:17, 1:18, 2:3, 8:12, 11:14, 12:2, 45:17
unlawful [2] - 28:12, 35:11
unwarranted [1] - 46:20
up [16] - 10:6, 10:18, 13:10, 20:11, 20:13, 20:20, 20:23, 30:17, 30:19, 31:18, 37:17, 38:16, 39:18, 41:1, 45:24
upset [2] - 38:8, 42:10

utility [1] - 18:11
V-I-N-E [1] - 4:6
vagrancy [5] - 28:15, 28:18, 33:21, 33:23, 35:12
variance [1] - 34:20
various [4] - 4:20, 5:7, 5:16, 38:3
vent [1] - 44:6
verdict [3] - 21:8, 25:15, 34:13
version [1] - 3:5
versus [1] - 2:3
Vice [2] - 27:1, 27:13
victim [1] - 5:20
viewed [1] - 7:16
viewing [1] - 7:12
violate [1] - 27:23
violations [1] - 27:24
visit [1] - 37:20
visiting [7] - 18:8, 22:15, 23:17, 24:6, 24:9, 39:20, 44:2
vital [1] - 38:22
voice [1] - 30:25
vs [1] - 1:6
walked [1] - 20:4
wants [2] - 36:9, 43:4
warrant [3] - 33:12, 38:17, 38:19
warranted [2] - 33:19, 34:6
wearing [1] - 9:17
Webster [1] - 5:9
week [1] - 24:8
weeks [3] - 33:8, 40:17, 44:17
weighed [1] - 46:20
weight [3] - 2:20, 3:9, 46:15
Weston [1] - 1:23
whole [5] - 3:24, 8:16, 11:18, 16:4, 28:20
winnable [1] - 37:20
wish [4] - 15:23, 16:11, 36:12, 41:24
wishes [1] - 15:24
witness [5] - 3:23, 5:25, 8:15, 11:17, 16:3
witnesses [1] - 3:19
wondering [1] - 42:3
works [1] - 37:2
write [2] - 12:7, 37:10
wrote [2] - 36:19, 37:1
year [2] - 11:8, 47:15
years [5] - 4:10, 9:3, 9:4, 45:6, 45:25
young [1] - 45:23
Zaehringer [5] - 2:18, 29:14, 35:25, 45:4, 48:3
ZAEHRINGER [30] - 1:17, 3:10, 3:12, 3:18, 3:20, 4:3, 5:25, 6:3, 6:21, 6:25, 7:24, 8:10, 8:12, 8:20, 9:19, 9:21, 10:19, 10:23, 11:12, 11:14, 11:22, 13:22, 14:1, 14:21, 15:7, 29:16, 32:17, 33:1, 45:5, 48:4